CESENA ADDITION #1

THIS ABSTRACT MUST BE RETURNED AT ONCE
TO
JAS. A. CLAYTON & CO., INC.

# ABSTRACT OF TITLE

OF PROPERTY OF

John D. Roberts

ABS

TO

Lot on S'ly side of Calfax St 200 feet W of First St. N. 60 ft 109.28. Part of Lot 3 of Cesena Addition

CITY OF SAN JOSE,
COUNTY OF SANTA CLARA,
STATE OF CALIFORNIA.

Dated May 19 1893

MADE AT THE REQUEST OF

J. J. Sontheimer Esq

SAN JOSE
ABSTRACT, TITLE AND TRUST CO.,
SUCCESSOR TO
EDWARDS & PITMAN AND POMEROY & HOWES,
24 North Second Street,
SAN JOSE, CAL.

# Abstract of Title.

T O

All that lot of land situate in the City of San Jose, County of Santa Clara, State of California, and described as follows:

Commencing at a point on the Southerly line of Colfax street distant 200 feet Westerly from the Westerly line of First Street, running thence Westerly along said line of Colfax street 60 feet: thence at right angles Southerly 109.28 feet: thence at right angles Easterly 60 feet and thence at right angles Northerly 109.28 feet to the point of commencement.

Being a portion of Lot Three (3) of Cesena's Addition in the City of San Jose.

Subsequent to the date of the following Deed from Charles E. Meserve to Giles E. McDougall et.al.

Charles E. Meserve

To

Giles E.McDougall,

John A. Cottle.

D E E D .

Dated April 8,1868.

Cons.$3250.

Does grant,bargain and sell,convey and confirm unto the said parties of the second part and to their heirs and assigns forever,all that parcel of land situate in the City of San Jose,County of Santa Clara,and described as follows,to wit: Beginning on the West side of First Street at or near the terminus of Market street,and at the North East corner of C.Meserve's land : thence along the West side of First street S 30 3/4° E 4.16 chs to a redwood stake: thence S 59 1/4° W 13.31 chs to the middle of an arroyo: thence down said Arroyo N 46 1/2° W 16 links N 26 1/4° W 1.70 chs, N 24° E .62 chs, N 13 1/4° E 1.60 chs, N 35 1/4° W.84 chs, N 59 1/4° E 11.70 chs to the place of beginning. Courses true. Containing 5.26 acres. (sgd) C. E. Meserve (L.S.)

Ackn d. Apl.8,1868.

Before C.Cecil Stephens, N.P.

Recorded Apl.9,1868.

Liber 8 of Deeds Page 602.

SAN JOSE ABSTRACT TITLE AND TRUST CO.,
SAN JOSE, CAL.

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Giles E. McDougall

To

John A. Cottle.

# M O R T G A G E .

Dated April 9,1868.

To secure the payment of $1625.oo.

Conveys one undivided half of all that tract of land (same as described in Liber 8 of Deeds page 602, Meserve to McDougall et.al.)

Recorded April 9,1868.

Liber L of Mortgages Page 64.

Cancelled on the margin of the record April 20,1869, by John A. Cottle,

Attested by County Recorder.

J. A. Cottle

G. E. McDougall,

C. E. Messerve,

J. B. Hasatte.

To

The City of San Jose.

# D E E D .

Dated Augt.22,1868.

Cons $1.oo

Grant,bargain,sell,remise,convey and quit claim unto second party forever,all the right,title and interest of the said parties of the first part,to all the land covered by the following described streets situate in said City of San Jose,the first named "Colfax Street" being sixty feet wide and South of a line commencing at a point in the Westerly line of "First Street" 122.9 feet Southerly from the North line of Reed street: thence running N 59 1/4° W to the Arroyo de Los Tulares or Canoas,said line forming the North line of the street. The second named "Grant Street" being 60 feet wide and South of a line commencing at a point in the Westerly line of First street 401.32 feet Southerly from the said North line of Reed Street and running thence N 59 1/4° W and parallel with Colfax street to the said Arroyo de los Tulares or Canoas,said line forming the North line of said Street.

SAN JOSE ABSTRACT TITLE AND TRUST CO.,
SAN JOSE, CAL.

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To have and to hold the same unto the second party forever, to be used only as public streets or highways.

Acknd. Augt. 26-1868.

Before C. C. Stephens N.P.

Recorded Sept. 1, 1868.

Liber 10 of Deeds Page 88.

Giles E. McDougall and

John A. Cottle,

To

O. V. Wallace.

# D E E D .

Dated Nov. 21, 1870.

Cons. $950.

Remise, release and quit claim unto second party, his heirs and assigns forever, all that certain lot, piece or parcel of land situate in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows:

Commencing at a point in the Southerly line of Colfax street, said point being distant 200 Westerly from the intersection of said Southerly line of Colfax Street, with the Westerly line of First street: thence Southerly and parallel with said line of First street 109.28 feet: thence Westerly and parallel with said line of Colfax Street 60 feet: thence Northerly and parallel with first described line 109.28 feet to said Southerly line of Colfax Street: and thence along said line of Colfax Street 60 feet to the place of beginning, being the most Easterly 60 feet of Lot No. 3 in the Cesena Addition to the City of San Jose.

Acknd. Nov. 21, 1870.

SAN JOSE ABSTRACT TITLE AND TRUST CO.,
SAN JOSE, CAL.

Before Wm.B.Rankin N.P.

Recorded Nov.21,1870.

at 20 mins.past 4 o'clock P.M.

Book 19 of Deeds Page 548.

O. V. Wallace

Declaration of Homestead.

Dated Nov. 21, 1870.

Certifies and declares that he is married and resides with his family on the lot of land and premises situate in the County of Santa Clara, and described as follows:

(same as in Liber 19 of Deeds Page 548, McDougall et.al. to Wallace)

That it his intention to use and claim the said lot of land and premises together with the dwelling house thereon and its appurtenances as a Homestead.

Selects and claims the same as a Homestead.

Acknd. Nov. 21, 1870.

Before Wm. B. Rankin N.P.

Recorded Nov. 21, 1870.

at 22 mins. past 4 o'clock P.M.

Liber B of Homesteads Page 382.

O. V. Wallace and

Mary J. Wallace his wife,

To

B. J. Rhodes.

MO R T G A G E .

Dated Nov.15,1871.

To secure the payment of $500.oo

Convey all that lot of land (same as described in Liber 19 of Deeds Page 548, McDougall et.al. to Wallace)

Recorded Nov.18,1871.

Liber Z of Mortgages Page 168.

Cancelled on the margin of the record Nov.9,1874,by

B. J. Rhodes.

Attested by County Recorder.

Ramon S. Ceseña

Cypreano Ceseña-

Jose Mario Ceseña

Guadalupe Ceseña de Castro,

and her husband Loreto R. Castro,

Seraphina Ceseña de Castro, and

her husband Jose Castro,

and Maria Antonia Ceseña.

To

Giles E. McDougall.

D E E D.

Dated June 11, 1872.

Cons. $300.

Grant, bargain and sell, convey and confirm unto second party, his heirs and assigns forever, all of the right title and interest of said first parties and each of them, in and to all that certain piece or parcel of land sit ate in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows, to wit:

Beginning at a point in the Westerly line of First Street in said City, where the center line of Colfax Street meets or intersects said Westerly line of First Street, running thence Westerly along said center line of Colfax street to the center of the Arroyo Canoas; thence along the center of said Arroyo Southerly and following

its meanderings to where the center line of Grant street extended Westerly would cross said Arroyo: thence Easterly and along the center line of Grant street to the Westerly line of First street, and thence Northerly along the Westerly line of First street to the place of beginning.

The property above described is the same property that was conveyed by Charles E. Messerve to Giles E. McDougall and John A. Cottle (by deed dated April 8th 1868, and now of record in the Recorder's office of Santa Clara County in Liber 8 of Deeds pages 602 et. sequia, which said deed is hereby referred to for a further description of said premises.

(sgd) R. S. Cesena (seal)

Jose Maria Cesena (seal)

By R.S. Cesena, his Attorney in fact.

Guadalupe Cesena de Castro (seal)

By R. S. Cesena, her Attorney in fact (seal)

Loreto R. Castro (seal)

By R.S. Cesena, his Attorney in fact.

Serafina Cesena de Castro (seal)

By R.S. Cesena, her attorney in fact.

Jose Castro (seal)

By R.S. Cesena, his Attorney in fact.

Maria Antonia Cesena (seal)

By R. S. Cesena, her Attorney in fact.

Cipriano Cesena (seal)

Ackn d. June 11, 1872.

By R. S. Cesena, and Cipriano Cesena, and by R. S. Cesena as the Attorney in fact of Jose Maria Cesena, Guadalupe Cesena de Castro, Loreto R. Castro, Serefena Cesena de Castro, Jose Castro, and Maria Antonia Cesena.

Before Jno. B. Hewsom, N.P.

Recorded June 11, 1872.

Book 26 of Deeds Page 42.

N O T E :-

For Powers of Attorney in Spanish Language, dated March 2d 1864, given by Dolores Avilas, Jose Maria Ceseña, Antonia Ceseña, Don Loreta R. Castro, Doña Guadalupe Ceseña, Jose Castro, and Serafina Ceseña, his wife to Ramon Ceseña, see Book "B" of Powers of Attorney page 23, and following.

Jesus J. Chaboya and

Maria Cesena de Chaboya, his wife

To

Giles E. McDougall.

D E E D .

Dated June 17, 1872.

Cons. $50.

Do grant, bargain and sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that parcel of land and real estate located in Santa Clara County, and being a part of that portion of the City of San Jose, known as Cesena's Addition to the said City of San Jose and bounded and more particularly described as follows, to wit:

Commencing at the intersection of the west line of First street with the South line of Colfax street, thence running west along the South line of Colfax street to the Arroyo de Las Canoas: thence running South westerly following the meanderings of said Arroyo to where the same intersects the North line of Grant street: thence easterly along the North line of Grant street to where said north line of Grant street intersects the west line of First street: thence North along the west line of First street to the place of beginning. Containing Lots one, two, three, four, five, six, seven, eight, nine, ten, eleven twelve, thirteen, fourteen, fifteen, sixteen, seventeen and

eighteen of said Cesena Addition to said City of San Jose.

Acknd. June 17, 1872.

Before Jno. B. Hewson N.P.

Recorded June 17, 1872.

Liber 25 Deeds Page 243.

Giles E. McDougall, Carrie Tonner, Mary Kate Tonner
Edith Tonner, Luella Tonner, Minors,
John A. Cottle, by Cuthbert Burrel, their Guardian
O. V. Wallace et.al.

vs

Cyprian Ceseña
Maria Ceseña de Chabolla
Jesus Chabolla
Jose Maria Ceseña
Guadalupe Ceseña de Castro
Loreto R. Castro,
Seraphina Ceseña de Castro
Jose Castro and
Antonio Ceseña.

20th District Court.

Reg.F page 154. Case 3641.

1872

Aug. 24 Complaint filed.

To obtain a Judgment and Decree of Court quieting plaintiff's title in and to all that parcel of land situate in the City of San Jose, County of Santa Clara, and described as follows:

Commencing at a post in the corner of the fence marked "A" on the West side of Market Street: thence N 36° 45' W 11.54 chs along the fence on the South side of the Monterey Road to a post in the corner of the fence marked "B"

1872 thence along a fence S.59° 30' W 12.82 chs to a willow tree 4 feet in diameter standing in the Arroyo de los Canoas: thence up the center of said Arroyo following its meanderings to a willow tree two feet in diameter: thence N 65° 15' E 11.38 chs to the place of beginning as surveyed Nov.16,1859 by C.T.Healey,County Surveyor.

And that it be decreed and adjudged by the Court that Charles E.Meserve was on Jany.21, 1860 the owner in fee simple absolute and rightfully in the possession of said tract of land, and that these plaintiffs have acquired all the title legal and equitable and the possession of said Meserve and are now the legal and equitable owners and entitled to the exclusive possession thereof as against said defendants and each of them or any person or persons claiming under them and that said defendants their heirs or assigns be perpetually enjoined from claiming any right or interest in or to said tract.

F. E. Spencer, and
Silent & Herrington,
Attorneys for Plaintiffs

Aug.27 Summons issued.

Sept.9 Summons returned with certificate of Sheriff

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| 1872 | of personal service of same on Sept.9,1872 upon defendants Cyprian Cesena,Maria Cesena de Chabolla,Jesus Chabolla and Jose Maria Cesena, served as Jesus Maria Cesena all in Santa Clara County.<br>That after due search and inquiry he was unable to find defendants Guadalupe Cesena de Castro, Loreto R.Castro, Seraphina Cesena de Castro, Jose Castro and Antonio Cesena in the County of Santa Clara. |
| Sept.19 | Order granting defendant Jose Maria Cesena 20 days within which to plead, filed. |
| Sept.20 | Default of defendants Maria Cesena de Chabolla, Jesus de Chabolla and Cyprian Cesena entered. |
| Sept.17 | Affidavit for Publication of Summons filed. |
| Sept.17 | Order that service of the process and of the summons be made on defendants Guadalupe Cesena de Castro,Loreto R.Castro,Seraphina Cesena de Castro,Jose Castro and Antonio Cesena non residents,by publication thereof pursuant to the provisions of the Statute in such cases made and provided.<br>That said sums be published once a week consecutively for the period of two months in the |

1872 San Jose Daily Patriot and that a certified copy of said Summons and Complaint be forthwith deposited in the Post Office at the City of San Jose, directed to the said Guadalupe Cesena de Castro, Loreto R. Castro, Seraphina Cesena de Castro, Jose Castro and Antonio Cesena at their places of residence to wit: at the Town of San Antonio in the State of Lower California, in the Republic of Mexico.

Oct. 17 Affidavit of Charles Silent, that on Oct. 17, 1872, he deposited in the U.S.P.O. at the City of San Jose, in the County of Santa Clara, to be forwarded by mail five several certified copies of the Complaint and of the Summons in the above entitled action, with the postage prepaid thereon, directed to the defendants Antonio Cesena, Loreto R. Castro, Guadalupe Cesena de Castro, Jose Castro and Seraphine Cesena de Castro severally at their places of residence to wit: at the Town of San Antonio in Lower California in the Republic of Mexico.

1873

Jany. 7 Demurrer of defendant Jose Maria Cesena overruled.

Jany. 7 Jose Maria Cesena's Bill of Exceptions to the overruling of his Demurrer, filed.

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| Jany.7 | Motion and Order 10 days to answer. |
| Jany.17 | Answer of defendant Jose Maria Cesena filed. |
| Jany.29 | Affidavit of F.B.Murdock printer,proprietor and Principal clerk of the "San Jose Daily Patriot" of publication of Summons in said Newspaper for more than once a week for two months commencing on Oct.18,1872 and ending Dec.23, 1872 and filed. |
| Jany.29 | Default of defendants Guadalupe Cesena de Castro,Loreto R.Castro,Seraphine Cesena de Castro ,Jose Castro,and Antonio Castro entered. |
| Feby.19 | Answer of defendants Guadalupe Cesena de Castro,Loreto R.de Castro, Serafina R.de Castro, Jose Castro,Antonia Cecena and her husband Espiridion Castro, filed. |
| Mch.3 | Withdrawal of J.A.Yoell Esq. as Counsel for defendant Jose Maria Cesena. |
| Mch.3 | Motion to open defaults heretofore entered against defendants herein argued,submitted,and taken under advisement. |
| Mch.3 | Motion and Order substituting J.C.Black Esq. counsel for J.M.Cesena. |

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| Mch. 3 | Withdrawal of answer of Jose Maria Cesena, filed. |
| Mch. 3 | Disclaimer of Jose M. Cesena to any interest in the lands and premises described in Plaintiff's complaint filed. |
| Apl. 21 | Order denying motion to set aside default of defendants Guadalupe Cesena de Castro, Loreto R. Castro, Seraphine Cesena de Castro, Jose Castro and Antonio Castro, filed. |
| May 5 | Motion to set aside all proceedings submitted and that all proceedings be stayed until said motion be determined. |
| May 12 | Motion to set aside all proceedings argued and submitted to the Court for consideration and decision. |
| May 19 | Order placing cause on calendar upon payment of costs upon a former motion to open default by defendants herein. |
| May 19 | Order vacating order staying proceedings. |
| May 19 | Order denying motion to strike out Answer of defendants filed Feby. 19, 1875 and for judgment against said defendants upon the defaults entered. |

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| May 19 | Order requiring defendants to give a bond for $500 conditioned for the payment of costs of suit. |
| May 27 | Amended Answer and Cross Complaint of defendants Guadalupe Cesèna de Castro, Loreto R. de Castro, Serafina Cesena de Castro, Jose Castro, Antonia Cesèna and her husband Espiridion Castro filed.<br>Make a general denial of the allegations set forth in Plaintiff's Complaint and aver that said Guadalupe Cesena, Serafina Cesena and Antonia Cesena are heirs at law of one Francisco Cesena who died intestate and possessed of the land described in the complaint and that said defendants are the owners of 2/7 of said land and that said plaintiffs are the owners of the remaining 5/7 thereof. |
| May 31 | Bond for Costs filed. |
| June 2 | Exceptions to Bond and Sureties filed. |
| June 2 | Notice of Settlement of Bill of Exceptions. |
| June 12 | Answer and Replication to Amended answer and Cross Complaint of defendants filed.<br>Deny the allegations set forth therein. |

June 28 Order substituting J.M.Kinley as Atty for Defendants.

June 30 Bond for Costs filed.

June 30 Cause tried.

June 30 Jury waived.

June 30 Motion and order granting Defendants leave to file an Amended Answer.

June 30 Second Amended Answer and cross complaint of Defendants Guadalupe Cesena de Castro, Loreto R. Castro, Serafina Cesena de Castro, Jose Castro, and Antonio Cesena de Castro, filed.

Make a general denial of the allegations set forth in Plaintiff's Complaint and aver,

That Guadalupe Cesena de Castro, Serafina Cesena de Castro, Antonio Cesena de Castro, called in the complaint Antonio Cesena, are the heirs at law of one Francisco Cesena who departed this life in the year 1853, being at the time of his death a resident of the City of San Jose, and seized by mesne conveyances of the property mentioned in the complaint and occupied the same as his homestead.

That one Dolores Cesena is the mother of the these defendants and the surviving widow of said

1873 said Francisco Cesena and that at the time of the death of said Francisco she together with their family were living on said land and that said Dolores continued in the occupancy thereof until 1860.

That defendants herein and Ramon S.Cesena, Jose Cesena,Maria Cesena,and Cyprian Cesena were the heirs at law of said Francisco Cesena who died intestate and they inherited on his decease 2/3 of said property and said Dolores 1/3 thereof.

That said heirs were minors and on June ---- 1854,said Dolores applied to the Probate Court for Letters of Guardianship which were duly issued to her.

That whilst such guardian one Joaquin Narvaez and wife averred that they had some claims against said property and said Dolores procured a quit claim deed to be made to her in which was described said lands which deed was signed, sealed and acknowledged by said pretended claimants.

That said Dolores procured a quit claim deed to said land from the Sinking Fund Commissioners of San Jose.

That the estate of said Francisco Cesena was administered on and said Dolores received into

1873 her hands from the Administrator thereof the lands mentioned in the complaint in her own and in her childrens and these defendants rights as their guardian on or about July 5, 1854.

That until the sale of her interest to Charles E. Meserve said Dolores held the same in common with her said children.

That on Jany 16, 1860 whilst said Dolores Anales Cesena was a tenant in common with the afore said heirs and while the guardian of these defendants and held in trust for the said heirs whatever right she had acquired to their 2/3 of said land by virtue of the two conveyances before named she sold and conveyed by quit claim deed all her right and title in said property being 1/3 thereof to Charles E. Meserve who entered into the possession thereof as a tenant in common with defendants and their aforesaid brother, and continued in such possession until about 1870, when he and Ramon S. Cesena conspired together to defraud and cheat the other co-tenants out of their rights in said property and in pursuance thereof the said Meserve fraudulently procured to be filed in the U. S. District Court his petition in bankruptcy and an assignee to be appointed in whom was vested his property.

That said assignee sold said property and

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| 1873 | said Ramon S.Cesena became a purchaser of much thereof,<br>That said proceedings were irregular and fraudulent and that the purchasers at said assignee's sale took no equitable title to said property.<br>That the several plaintiffs herein hold the title of said Meserve by virtue of said assignee's sale and not otherwise.<br>Pray that the prayer of the plaintiffs be denied and that these defendants be adjudged to be the tenants in common with the plaintiffs holding under said Meserve, holding an interest in said land equal to 2/7 thereof &c. |
| June 30 | Motion and Order granting plaintiffs one day to reply to amended answer and cross complaint. |
| June 30 | Motion and order granting Plaintiffs leave to amend complaint by correcting names of parties. |
| July 2 | Replication and Answer of Plaintiff's to Defendants second Amended Answer and Cross Complaint filed.<br>Deny the allegations set forth therein. |
| July 2 | Cause argued and submitted to the Court for consideration and decision with leave to defendants to file briefs in 15 days. Plaintiffs |

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| 1873 | to have 10 days to reply. Defendants five days to reply to plaintiffs briefs. |
| Sept.1 | Calendar for Term. |
| Sept.8 | Motion and order submitting cause on briefs. |
| Dec.29 | Findings and Opinion filed. |
| 1874 | |
| Jany.5 | Calendar for Term. |
| Jany.12 | Amended and Supplemental Findings filed. |
| Jany.15 | Decree Quieting Title, filed. |

Ordered, Adjudged and Decreed, that the said several plaintiffs herein to wit: Giles E.McDougal, John A.Cottle, (and other defendants, naming them) are and were at the time of the commencement of this action the owners in fee and were and are in the actual possession as such owners in fee and in severalty of several and distinct parts and portions of the tract of land in said complaint of Plaintiffs described as follows: (Same as in the Complaint)

That said ownership in fee of said Plaintiffs extended and extends to and including and includes the whole and every part of said tract of land.

That said Plaintiffs and each of them derives

1874

his title mediately or immediately from Charles E. Meserve mentioned in said complaint and who is the common grantor of said plaintiffs.

Further Ordered, Adjudged and Decreed that none of said defendants at the time of the commencement of this action had and has not now any right title or interest legal or equitable in or to any part or portion of said tract of land hereinabove and in said complaint described and that the claim and claims of said defendants and of each and every of them is feigned, unfounded in fact or law and were and are invalid.

It is therefore further ordered, adjudged and decreed that the said defendants the said Cyprian[1] Cesena, Maria Cesena[2] de Chabolla, Jesus Chabolla, Jose Maria[3] Cesena, Guadalupe[4] Cesena de Castro, Loreto R. Castro, Seraphina[5] Cesena de Castro, Jose Castro, Antonia[6] Cesena de Castro, called in the complaint Antonia Cesena and Espedion Castro be and each and every of them and all persons claiming by, through or under them or any of them are hereby commanded and enjoined henceforth and forever to abstain and refrain from setting up, maintaining or pretending that they or either or any of them have or has any right, title or claim legal or equitable in or to said

1874 lands or any part or portion thereof and from setting up or maintaining or pretending that as against the said Defendants or any or either of them the title of said plaintiffs as derived through their said plaintiffs common grantor is invalid or unfounded in law or equity.

It is further ordered, adjudged and decreed, that said Plaintiffs do have and recover of and from the said defendants Guadalupe Cesena de Castro, Loreto R. Castro, Seraphina Cesena de Castro, Jose Castro, Antonia Cesena de Castro and Espidion Castro their said plaintiffs costs and disbursements paid, laid out and expended in this action taxed at and amounting to $180.50 and that execution issue therefore.

Done in open Court Jany. 15, 1874.

D. Belden, Dist Judge.

Decree recorded in Judgment Book F page 440.

Jany. 15 Roll filed. Decree Docketed.

Jany. 15 Memorandum of Costs and Disbursements filed.

Oliver V. Wallace and

Mary J. Wallace, his wife

To

H. M. Kottinger.

D E E D .

Dated Nov.4,1874.

Cons.$750.

Grant, bargain and sell, convey and confirm unto second party, his heirs and assigns forever, all that certain piece or parcel of land lying and being in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows:

The East 60 feet of Lot 3 in Ceseña's Addition to the City of San Jose, and particularly described as Commencing at a point in the Southerly line of Colfax Street, said point being distant 200 feet Westerly from the intersection of said Southerly line of Colfax Street with the Westerly line of First street; thence Southerly and parallel with said Westerly line of First street, 109.28 feet: thence Westerly and parallel with said line of Colfax street 60 feet: thence Northerly and parallel with the first described line 109.28 feet to said Southern line of Colfax street, and thence Easterly along said line of Colfax street 60 feet to the place of beginning.

Acknd. Nov.7,1874.

Before Arnold Fuller N.P.

San Francisco, Cal.

Recorded Nov. 9, 1874.

Book 33[illegible] of Deeds Page 445.

H. Mark Kottinger

To

William Kottinger

D E E D .

Dated Jany. 3, 1876.

Cons. $1500.

Grant, bargain and sell, convey and confirm unto second party, his heirs and assigns forever. all that certain lot piece or parcel of land situate in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows:

(describing same premises as in the deed preceding, O. V. Wallace and wife to grantor herein, Liber 33 of Deeds page 445)

(sgd) H. M. Kottinger (seal)

Acknd. Jany. 3d 1876.

Before W. J. Colahan Co. Recorder.

By F. J. Saxe, Deputy.

Recorded Jany. 3, 1876.

Book 39 of Deeds Page 108.

William Kottinger

To

Herman Mark Kottinger.

D E E D.

Dated March 24,1877.

Cons.$1500.

Remise,release and forever quit claim unto second party,his heirs and assigns,all that certain lot,piece or parcel of land situate in the City of San Jose,County of Santa Clara,State of California,bounded and described as follows:

(describing same premises as in the deed from O.V.Wallace and wife to grantee herein, Liber 33 of Deeds page 445)

Acknd. March 24,1877.

Before O.H.Frank, County Recorder.

City and County of San Francisco.

By Richard D.Blanvell Jr. Deputy.

Recorded April 23,1877.

Book 43 of Deeds Page 308.

William Kottinger

To

Herman Mark Kottinger.

D E E D .

Dated Decr. 31, 1880.

Cons. $1500.

Grant, bargain and sell, convey and confirm unto the second party, his heirs and assigns forever, all that certain piece or parcel of land situate in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows:

(describing same premises as in the deed from O.V. Wallace and wife to H.M.Kottinger, Liber 33 of Deeds page 445)

Acknd. Jany. 5, 1881.

Before Saml. S. Murfey N.P.

City and County of San Francisco, Cal.

Recorded Jany. 6, 1881.

Book 58 of Deeds Page 174.

The United States of America

To

The Mayor and Common Council
of the City of San Jose, their
successors and assigns.

# PATENT.

Dated June 4, 1884.

Do give and grant unto the said Mayor and Common Council of the City of San Jose, their successors and assigns the tract of land embraced and described in the foregoing Survey (embracing within its exterior boundaries the City of San Jose)

To have and to hold &c.

(signed) By the President

(Seal) Chester A. Arthur

By Wm. H. Crook Secretary.

S.W. Clark, Recorder of the General Land Office.
Recorded Vol. 12. p. 341 to 426 inclusive.

Recorded July 11, 1884.

Liber D of Patents page 12.

Records of Santa Clara County, California.

In the Superior Court, County of Santa Clara, State of California.

In the Matter of the Estate

of

Herman M. Cottinger, deceased.

Estate No.2697. Reg.G page 364.

1891

July 8 Willof H.M.Cottinger, filed. Copy thereof as follows:

I , Herman Mark Cottinger,of the City of San Jose,County of Santa Clara,and State of California,being of sound mind and memory,do make, publish and declare this to be my last Will and Testament, that is to say:

First: After all my lawful debts are paid and discharged,the residue of my estate,real and personal, I give and bequeath to my six sons, William,Herman,Frederic, Gustavus,Alfred and Julius, and in case of the death of any of them,his heirs shall get an equal and alike part of his share; but the Executor of the Testament shall deduct two hundred dollars from the share of Frederic,and add them to the share of Gustavus,because Frederic borrowed $100.from Gustavus,several years ago and never repaid

1891 him neither the capital nor the interest.

Second: I make and appoint my aforenamed son William Kottinger, Executor of this my last Will and declare this to be my express wish and request that no bond be required of said Executor in any shape or manner or for whatever purpose.

In witness whereof I have hereunto subscribed my name the 1st of February 1886.

H. M. Cottinger.

July 8 Petition of William Kottinger for Probate of Will, filed. Shows:

That Herman M. Cottinger died on or about July 5th 1891, at San Jose, in the County and State aforesaid, and at the time of his death was a resident of said County and State and left estate therein consisting of real and personal property, the probable revenue and character of which are as follows:

One lot 60 x 100 feet deep on Colfax street in the City of San Jose, a few books, household furniture and $1600. secured by mortgages.

That the estate and effects do not exceed the sum of $3000.

That said deceased left a will bearing date Feby. 1st 1886 now in possession of your petitioner, which he believes and therefore alleges

1891

to be the last will and testament of said deceased which is herewith presented.

That your petitioner is named in said will as Executor thereof and your petitioner, aged 53 years residing at Alameda County, Cal, Herman Kottinger, aged about 48 years, residence unknown Frederick Kottinger supposed to reside at Little Rock, Arkansas; Gustavus Kottinger aged about 46 years, supposed to reside at Montana; Alfred Kottinger aged about 42 years, supposedd to reside at Galena, State of Illinois, and Julius Kottinger aged about 53 years, residing in Zurich in the Republic of Switzerland, are named therein as devisees.

That said Will is olographic:

That the next of kin and heirs at law of said testator and the names, ages and residences of said heirs at law, as far as known to petitioner are as above set forth.

That at the time said will was executed, said testator was of the age of 83 years, and was of sound and disposing mind, and competent by last will to dispose of all of his estate.

Prays that will be admitted to probate and Letters Testamentary be issued to petitioner.

(sgd) William Kottinger,

Petitioner.

| | |
|---|---|
| 1891 | Geo.M.Yoell,<br>Atty for Petitioner. |
| July 10 | Order entered and filed Friday July 31st 1891 at 11 A.M.fixed for hearing on probate of Will, notice thereof to be given by publication,in the San Jose Daily Mercury,at least ten days before said July 31st 1891,and copies of notice mailed to heirs &c.<br>Record 39 p.108. |
| July 13 | Affidavit of G.W.Hayes of mailing notices, filed, deposes: that on July 13th 1891 he deposited in the U.S.Post Office,at the City of San Jose,in said County,a true copy of within notice (notice fixing Friday July 31st 1891,for hearing on probate of will) enclosed in an envelope,with the proper and necessary postage prepaid thereon,and addressed to Herman Kottinger at San Jose,Santa Clara County,California.<br>Duly verified July 13th 1891. |
| July 31 | Affidavit of C.J.Owen principal clerk of the San Jose Mercury Publishing and Printing Company the printers of the San Jose Daily Mercury,a daily newspaper published and printed in the City of San Jose,filed. shows publication of (Notice of time set for probate of will,viz: July 31st 1891 at 11 A.M.) in said newspaper |

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|---|---|
| 1891 | for 12 successive days, from July 11th 1891 to July 22, 1891, inclusive, every day, first and last dates included.<br>Duly verified July 22d 1891. |
| July 31 | Testimony of John W. Kottinger and William Kottinger on probate of Will taken and filed. |
| July 31 | Certificate of proof of will and facts found made, certified and filed. |
| July 31 | Order made, entered and filed, admitting will to probate, and appointing William Kottinger, Executor thereof, and directing Letters Testamentary to issue to him upon taking the oath required by law.<br>Record 39 page 174. |
| July 31 | Will Roll made and filed and will recorded in Book H of Wills page 21. |
| July 31 | Letters Testamentary issued to William Kottinger, who duly qualified and copy of Letters filed and recorded in Book E of Letters Testamentary page 225. |
| July 31 | Order entered and filed directing publication of notice to creditors in the San Jose Weekly Mercury.<br>Record 39 page 176 |



SAN JOSE ABSTRACT TITLE AND TRUST CO.,
SAN JOSE, CAL.

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| 1891 | |
| July 31 | Order entered and filed appointing D.C.Bailey S.W.Boring and W.A.Bowden,Appraisers. Record 39 page 176. |
| July 31 | Letters of Appraisement issued. |
| Augt.18 | Inventory and appraisement filed. Shows: Moneys none. Real Estate A lot of land in the City of San Jose,County of Santa Clara,State of California, 60 feet front by 110 feet in depth, situate on the South side of Colfax street in said City,and being the Easterly two thirds of Lot No.3 in Cesenas Addition to said City of San Jose with small dwelling house and improvements thereon.$2000. Personal Property, consisting of promissory notes,Piano,Violin Books,furniture &c. $1865.30 Total $3865.30 All of which is separate property of decedent. All of the appraisers qualified and acting. |
| Aug.24 | Petition for Order of sale of personal property, filed. |
| Aug.24 | Order of sale of personal property entered and filed. Record 39 p.283. |

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| 1891 | |
| Oct. 3 | Affidavit of H. J. Alexander, principal clerk of the San Jose Mercury Publishing and Printing Company, the printers of the San Jose Weekly Mercury, a newspaper, &c. filed, Shows: publication of notice to creditors in said newspaper for 5 successive weeks, from Augt. 1st 1891 to Augt. 29, 1891, viz: on Augt. 1st, 8th, 15th, 22d and 29th 1891.<br>Duly verified Oct. 2d 1891. |
| Nov. 4 | Return and account of sale of personal property filed. |
| Nov. 6 | Order entered and filed approving sale of personal property.<br>Record 39 p. 577. |
| Dec. 11 | Decree entered and filed. showing that due and legal notice to creditors has been given.<br>Record 40 page 107. |
| 1892 | |
| Feby. 23 | Exhibit of estate rendered by Executor, filed. |
| Dec. 15 | Final account of Executor filed. |
| Dec. 15 | Petition for distribution of estate filed.<br>Shows, after recitals of previous proceedings had in the estate:<br>That all the debts of said deceased and of |

1892 said estate, all the expenses of the Administration thereof thus far incurred and all taxes attached to or accrued against said estate have been paid and discharged, and said estate is now in a condition to be closed, and refers to the account filed herewith for a description of the residue of said estate.

Recites death of decedent leaving him surviving his six children (naming them as in petition for probate of will) who are all over the age of 21 years, and are named as sole devisees in the Will of said deceased, and as such heirs and devisees are entitled to all the residue of said estate, as in said will set forth.

Prays that the administration of said estate be brought to a close, and Executor discharged, and residue of estate distributed to the heirs above named.

Decr. 15 Clerk's entry filed. Friday Decr. 30th 1892, at 10 A.M. fixed for hearing on settlement of account and petition for distribution.

Dec. 17 Affidavit of G.W. Hayes filed of posting copies of clerk's notice (Friday Decr. 30th 1892, fixed for hearing on settlement of account and distribution of estate) on Decr. 17th 1892, in three public places (naming them) in the County

1892 of Santa Clara.

Duly verified Decr.17th 1892.

Dec.30 Register entry: "Continuance (minutes)" but we find no entry continuing hearing, in the minutes of the Court.

1893

Jany.6 Decree of settlement of Final account and distribution of estate made, entered and filed.

Recites final account and petition for distribution, filed herein Decr.15th 1892, and proof made of notice given by the Clerk of such hearing, in the manner and for the time prescribed by law.

And it appearing that said account is in all respects true and correct. That all claims and debts against said decedent, all taxes on said estate, and all debts- expenses and charges of Administration have been fully paid, and said estate is ready for distribution.

That said H.M Cottinger died testate in the County of Santa Clara on July 5th 1892 (1891) leaving him surviving his sole devisees and heirs at law Julius Kottinger, William Kottinger, Frederic Kottinger, Herman Kottinger, Gustavus Kottinger, and Alfred Kottinger, who are entitled to the residue of said estate.

1893

Ordered, adjudged and decreed that the said final account of the Executor be and the same is hereby finally settled, allowed and approved and that the residue of said estate hereinafter particularly described, and any other property not now known or discovered, which may belong to the said estate, or in which the said estate may have any interest, be and the same is hereby distributed as follows: in accordance with the provisions of the Will of said deceased.

To Gustavus Kottinger the sum of $344.86, to Julius Kottinger, William Kottinger, Alfred Kottinger, and Herman Kottinger, each, the sum of $172.43, and there is also distributed to the said Julius Kottinger, William Kottinger, Frederic Kottinger, Herman Kottinger, Gustavus Kottinger and Alfred Kottinger, an equal undivided one sixth part, and they are hereby declared to be the joint owners of the real estate hereinafter described.

The following is a particular description of the residue of said estate.

The sum of $1034.59 in U.S. gold coin.

And all that certain piece or parcel of land situate and being in the City of San Jose, County of Santa Clara, State of California, described as follows, viz:

1893

The East 60 feet of Lot 3 in Cesena's Addition to the City of San Jose, Commencing at a point on the Southerly line of Colfax Street, said point being distant 200 feet Westerly from the intersection of said Southerly line of Colfax Street, with the Westerly line of First Street; thence Southerly and parallel with said Westerly line of First street 109.28 feet: thence Westerly and parallel with the said line of Colfax Street 60 feet: thence Northerly and parallel with the first described line 109.28 feet to said Southerly line of Colfax Street, and thence Westerly along said line of Colfax Street 60 feet to the place of beginning, and that a certified copy of this decree be recorded in the office of the Recorder of said Santa Clara County.

Easterly

Record 42 page 579.

Note: A certified copy of the foregoing decree recorded in the Recorder's office of Santa Clara County Jany. 6th 1893 in Liber 152 of Deeds page 588.

# T A X E S .

State, County and City.

S. Colfax St. 200 W First St. W 60 x 109.28, part of Lot 3 Cesena Addition.

| Fiscal years | | |
|---|---|---|
| 1868 - 69 | : | |
| To | : | PAID. |
| 1892 - 93 | : | |
| 1893 - 94 | | Now a Lien. |

No Street Assessments.

NO JUDGMENT LIENS.

The foregoing Abstract consisting of pages One to 46 inclusive, made at SAN JOSE, CAL., MAY Nineteenth 1893, at 9 o'clock A.M.

SAN JOSE ABSTRACT, TITLE AND TRUST COMPANY.

By J C Edwards Manager.

# Continuation
## of
# The Foregoing Abstract.

AS TO

THE SAME PROPERTY

Herman Kottinger

— TO —

John D. Roberts,

D E E D

Dated May 3, 1893,

Cons. $256.00

Grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that parcel of land situate in the City of San Jose, County of Santa Clara, described as follows:

The undivided one-sixth of all of the East Sixty (60) feet of Lot 3 in Ceseña's Addition to the City of San Jose, snd particularly described as

Commencing at a point in the Southerly line of Colfax St said point being distant 200 feet Westerly from the intersection of said Southerly line of Colfax St, with the Westerly line of First St; thence Southerly and parallel with said Westerly line of First St, 109.28 feet; thence Westerly and parallel with said line of Colfax St, 60 feet; thence Northerly and parallel with the first described line, 109. 28 feet to said Southerly line of Colfax St; and thence Easterly along said line of Colfax St, 60 feet to the place of beginning.

Acknd. May 3, 1893,

Before George W.Lubke, Jr. N.P.

City of St Luis, State of Missouri.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Recorded May 20, 1893,

Liber 161 of Deeds, Page 110.

Alfred Kottinger

—— TO ——

John D. Roberts,

D E E D

Dated May 12, 1893,

Cons. $256.

Grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that parcel of land situate in the City of San Jose, County of Santa Clara, described as follows, to wit:

(Same as in Liber 161 of Deeds, Page 110, Herman Kottinger to J.D.Roberts.)

Acknd. May 12, 1893,

Before Geo. A. Anderson, N.P.

County of Adams, State of Illinois.

Recorded May 20, 1893,

Liber 161 of Deeds, Page 113.

William Kottinger,

Frederick J. Kottinger,

By William Kottinger, his Attorney-in-fact,

Gustavus Kottinger,

By George M.Yoell, his Attorney-in-fact,

Julius Kottinger,

By J. J. Sontheimer, his Attorney-in-fact,

— TO —

John D. Roberts,

D E E D

Dated May 20, 1893.

Cons. $1700.oo

Grant, bargain, sell, convey and confirm unto the second party, and to his heirs and assigns forever, all that parcel of land situate in the City of San Jose, County of Santa Clara, described as follows:

The East 60 feet of Lot 3 in Ceseña's Addition to the City of San Jose, and described as

Commencing at a point in the Southerly line of Colfax St said point being distant 200 feet Westerly from the intersection of said Southerly line of Colfax St, with the Westerly line of First St; thence Southerly and parallel with said Westerly line of First St, 109.28 feet; thence Westerly and parallel with said line of Colfax St, 60 feet; thence Northerly and parallel with the first described line 109.28 feet to said Southerly line of Colfax St; and thence Easterly along said line of Colfax St, 60 feet to the place of beginning.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

(Signed) William Kottinger, (SEAL)

Fred J.Kottinger, (SEAL)

By Wm. Kottinger, his Attorney-in-fact, (SEAL)

Gustav_ Kottinger, (SEAL)

By Geo. M. Yoell, his Attorney-in-fact, (SEAL)

Jules Cottinger (SEAL)

By J.J.Sontheimer, his Attorney-in-fact, (SEAL)

Acknd. May 20, 1893,

Before J. E. Brown, N.P.

Recorded May 20, 1893,

Liber 161 of Deeds, Page 133

Jules Cottinger

—— TO ——

J. J. Sontheimer,

POWER OF ATTORNEY,

Dated Apl.4, 1893,

To enter into and take possession of any and all real estate to me belonging, or in and to which I may have any claim, situate or being in the State of Cal. and more particularly that certain real property situate in the City of San Jose, County of Santa Clara, and distributed to me under the Will of my father, H.M.Cottinger, deceased, and more particularly described in the decree of distribution of said estate, now of record in said County of Santa Clara, and as my act and deed to grant, bargain, sell and convey the same for such sum and price as to my said attorney in fact seems fit, and for said purpose to make, execute and deliver to the purchaser of said property good and sufficient deeds of conveyance therefor.

Acknd. Apl.4, 1893,

Before George L.Cotlin, Consul of the United States of America for the Republic of Switzerland at Zurich,

Recorded May 20, 1893

Liber E Powers of Attorney, Page 582

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Fred J. Kottinger,

—— TO ——

William Kottinger,

POWER OF ATTORNEY

Dated Aug.26, 1891,

To enter into and take possession of any and all real estate or other property of any and every kind whatever and to which I may be entitled under and by virtue of t the last Will and Testament of my said father, Herman M. Cottinger, situated or found in the State of California, and for me and in my name place and stead to grant, bargain sell and convey the same or any part thereof, for such sum or price and on such terms as to my said attorney shall seem meet and to execute, acknowledge and deliver to the purchaser or purchasers, thereof, any and all deeds, releases, acquittances therefor as fully and absolutely as I might or could do if personally present.

Acknd. Aug.26, 1891,

Before J. P. Scott, Circuit Clerk

in and for Washington County, Arkansas, and Ex-officio Clerk of the Circuit Court of said County .

Recorded May 20, 1893,

Liber E Powers of Attorney, Page 579

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Gustave Kottinger,

—— TO ——

George M. Yoell,

POWER OF ATTORNEY

Dated Nov. 7, 1891,

To make, seal and deliver, to bargain, contract, agree for, purchase, receive and take lands and accept the seizin and possession of all lands and to lease, let, demise, bargain, sell, remise, release, convey, mortgage and hypothecate lands, tenements ans hereditaments upon such terms and conditions as he shall think fit, X X X X X and as my act and deed to sign, seal, execute and deliver and acknowledge such deeds, covenants, indentures, agreements, X X X X X and other instruments in writing of whatever kind and nature, X X X X X X X X X X X

(Signed) Gustav_ Kottinger, (SEAL)

Acknd. Nov.7, 1891,

Before Hiram D.Tuttle, N.P.

Recorded May 20, 1893,

Liber E Powers of Attorney, Page 577

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

55

T A X E S

S T A T E, C O U N T Y and C I T Y

Fiscal years,

1892-93 )
)
__ to __: PAID
)
1895-96 )

1896-97 NOW A LIEN

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 47 to 56, inclusive, made at SAN JOSE, CALIFORNIA, JULY Fifteenth, 1896 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J. M. Peterson Acting Manager.

# Continuation
# of
# The Foregoing Abstract.

AS TO

THE SAME PROPERTY

John D. Roberts and

Rosa Roberts, his wife

of the first part,

Will S. Clayton,

of the second part

and

Carrie H. Bundy,

of the third part

DEED OF TRUST

Dated July 15, 1896.

To secure to third party the payment of a promissory note of even date herewith for the sum of Eight Hundred ($800.oo) Dollars, in two years with interest at the rate and times therein specified. Also the payment of additional sums &c

Convey to second party, his successors or assigns, the real property situate in the City of San Jose, County of Santa Clara, described as follows:

(Same as in Liber 161 of deeds, page 133, Kottinger et al To Roberts)

Upon trust to reconvey all the estate in the premises to first parties in case payment be made of all sums due third party, and if default be made in the payment of any such sums, second party to sell above granted premises at public auction after giving due public notice.

Ackn'd. July 15, 1896

Before Wesley Pieper, N. P.

Recorded July 15, 1896.

Book J of Trust Deeds, page 562

Jne 26/95

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

58

TAXES

STATE COUNTY AND CITY

S. Colfax, 200 W. 1st. W. 60 x 109.28, being East 60 ft of Lot 3, Cesena Addn.

Fiscal years

1896-97 Paid

1897-98 Paid

1898-99 On Land, First Installment, Paid

Second Installment, a lien

On Mortgage Interest, Both Installments, Paid

JUDGMENT LIEN

Against John D. Roberts in favor of Carl Diehl for $592. .25 debt and $42.00 costs; Docketed Feby. 23, 1898 in the Superior Court, Dept. 3 Case 11763.

Aug. 20 '98 Notice of Appeal filed.

Aug. 22 '98 Undertaking on Appeal to stay execution, filed.

D. W. Burchard, Atty. for Judg. Creditor.

The foregoing CONTINUATION consisting of pages 57 to 59 inclusive, made at SAN JOSE CALIFORNIA DECEMBER TWENTY SECOND 1898 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J. C. Edwards
Manager

Judgment Lien released Aug. 8, 1901

REVISED AND CONTINUED

AS TO

All those parcels of land situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Commencing at a point on the Southerly line of Colfax Street distant 300 feet Westerly from the Westerly line of First Street and running thence Westerly along said line of Colfax Street 82 feet; thence at right angles Southerly 109.28 feet; thence at right angles Easterly 82 feet; and thence at right angles Northerly 109.28 feet to the point of commencement. Being a portion of Lot 4 of Cesena's Addition in the City of San Jose.

Also: Commencing at a point on the Southerly line of Colfax Street distant 260 feet Westerly from the Westerly line of First Street; and running thence Westerly along the said line of Colfax Street 40 feet; thence at right angles Southerly 109 10/12 feet; thence at right angles Easterly 40 feet; and thence at right angles Northerly 109 10/12 feet to the point of commencement. Being a portion of Lot 3 of Cesena's Addition in the City of San Jose.

Subsequent to the date of the Deed from Charles E. Meserve to Giles E. McDougall et al.

For instruments and proceedings affecting, see pages 2 to 5 inclusive, 10 to 28 inclusive and 34 of foregoing Abstract.

John A. Cottle and

Giles E. McDougall

to

Mary Tonner

D E E D

Dated September 7, 1868.

Cons. $400.00

Grant, bargain and sell unto the said party of the second part and to her heirs and assigns forever, all the following described lot of land in the City of San Jose, County of Santa Clara, and being lot numbered Four (4) on the South side of Colfax Street and bounded as follows, to wit:

Beginning in the Southerly line of Colfax Street, 300 feet Westerly from the West line of First Street; thence Southerly parallel with First Street 109.28 feet; thence Westerly parallel with Colfax Street 100 feet: thence Northerly parallel with First Street 109.28 feet to Colfax Street thence Easterly along the line of Colfax Street 100 feet to the place of beginning.

Acknd. Sept.7,1868

Before Charles G. Thomas, N.P.

Recorded Sept. 14, 1868

Book 12 of Deeds, page 1

Probate Court,

County of Santa Clara,

In the Matter of the Estate

_____ of _____

Wesley Tonner, deceased

REG. B page 318 ESTATE No.410.

1867

June 20 Petition of Mary Tonner for Letters of Administration, filed. Shows: That Wesley Tonner died in the City of Canton, County of Stork, State of Ohio, on or about the 28th day of February 1867.

That said deceased at or immediately previous to the time of his death was a resident of the City of San Jose, County of Santa Clara, State of California and that he has left estate in this City and County and within the jurisdiction of this Court.

That due search and inquiry have been made to ascertain if said deceased left any will and testament, but none has been found and according to the best knowledge and belief of your petitioner, said deceased died intestate.

Your petitioner further shows that the estate of said deceased, so far as she has been able to ascertain the same isabout the value of $10000.oo and consists ofas follows: Two 50 vara lots in the said City of San Jose, and improvements valued at $5000.oo and $5000.oo in money in the State of Ohio (exact place now unknown.)

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1867

That the only heirs at law of said deceased, so far as known to your petitioner, are Mary Tonner, your petitioner, Carrie A. Tonner, aged 10 years, Kate M. Tonner, aged 8 years, Edith Tonner, aged 6 years, Luella Tonner aged 3 years; said Mary Tonner being the wife of deceased and the remaining heirs being the infant children of said deceased.

Wherefore, Your petitioner prays that a day of Court may be appointed for hearing this application that due notice thereof be given by the Clerk by posting notices according to law, and that upon said hearing and the proofs to be adduced, letters of administration upon said estate may be issued to your petitioner.

(duly verified)

June 26 Order appointing July 6, 1867 for hearing said petition and that notice be given thereof by posting,made, entered and filed.

P.R.4 p 413.

June 26 Affidavit of Chas. Silent of Posting on June 26, 1867 exact and true copies of the Notice of Time and Place appointed for hearing upon said Petition, in three of the most public places in said County of Santa Clara (naming them) filed.

July 6 Order that Letters of Administration upon the Estate of the said Wesley Tonner, deceased, issue to Mary Tonner upon her taking the oath and filing a bond according to law, in the sum of $2000.oo, made entered and filed.

P. R.4page 416

1867

July 6 — Order appointing Tyler Beach, J. R. Brierly and Chas. Silent, made entered and filed. Appraisers?

P.R. 4 p 447

July 23 — Bond of Mary Tonner in the sum of $2000.00 with James A. Clayton and C. W. Pomeroy sureties, approved and filed.

July 23 — Letters of Administration (with oath annexed) issued to Mary Tonner, filed.

Oct. 9 — Order appointing appraisers of July 6, 1867 filed, again.

1868

Mch. 11 — Inventory and appraisement filed.

Real Estate

Lot No.6 in Block No.5 of Range No.4 South of the base line with improvements, valued at $1750.00

Lot No.7 in Block No.5 of Range No.4 South of the base line, with improvements, valued at $1000.00

Personal property valued at $5693.83

Total Appraised value $8443.83

(duly verified)

1869

July 2 — Renunciation of Mary Thomas, formerly Mary Tonner as administratrix and request that A.E. Pomeroy Esq. be appointed in her stead, filed.

July 2 — Petition of A.E. Pomeroy for Letters of Administrator filed. Shows: That Wesley Tonner died

1869

in the City of Canton, County of Stork, State of Ohio, on or about the 28th day of Feby. 1867.

That said deceased at or immediately previous to the time of his death was a resident of the City of San Jose, County of Santa Clara, State of Cal. and that he has left estate in said City and County and within the jurisdiction of this Court. That due search and inquiry have been made to ascertain if said deceased left any will and testament, but none have been found and according to the best knowledge and belief of your petitioner, said deceased died intestate.

Your petitioner further shows that the estate of said deceased so far as he has been able to ascertain the same is of about the value of $8000. and consists of as follows: Two 50 varas lots in the said City of San Jose and improvements thereon valued at $3000.00 and personal property valued at $5000.00.

That the only heirs at law of said deceased so far as known to your petitioner are Mary Thomas the widow of said deceased, now the wife of S. C. Thomas; Carrie A. Tonner, aged 12 years, Katy M. Tonner, aged 10 years, Edith Tonner, aged 8 years, Luella Tonner, aged 5 years, the children of said deceased. All of said heirs now residing in said County of Santa Clara.

That heretofore, to wit: on the 6th day of July 1867, said Mary Tonner, now Mary Thomas, procured letters of Administration on said [illegible] Estate and

1869

duly qualified as such administratrix and caused an inventory and appraisement of said estate to be filed therein.

That on the 11th March 1869 said Mary Tonner now Mary Thomas intermarried with and became the lawful wife of S. C. Thomas which said marriage caused the revocation of said letters of administration. That your petitioner herewith files his written request of said Mary Thomas that he said petitioner should be appointed such administrator.

Wherefor your petitioner prays that a day of Court may be appointed for hearing this application that due notice thereof be given by the Clerk by posting notices according to law and upon said hearing and the proofs to be adduced letters of Administration of said Estate may be issued to your petitioner.

(duly verified)

July 2 Order appointing July 17, 1869 for hearing said petition and that notice be given by posting, made, entered and filed. P. R. 5 p 361.

July 2 Affidavit of L. F. Eastin of Posting on July 2, 1869 exact and true copies of the Notice of Time and Place appointed for hearing upon said Petition, in three of the most public places in said County of Santa Clara, (naming them ) filed.

July 3 Order that the renunciation of Mary Thomas as administratrix be accepted, made and entered.

P. R. 5 p 362

1869

July 17 Order that letters of Administration of the Estate of the said Wesley Tonner, deceased issued to said petitioner, A. E. Pomeroy upon his taking the oath prescribed by law and filing a bond according to law in the sum of $10000.00 made, entered and filed.

P. R. 5 p 378.

Aug. 14 Bond of A. E. Pomeroy in the sum of $10000.00 with Charles W. Pomeroy and James A. Clayton approved and filed.

Augt. 14 Letters of Administration(with oath annexed) issued to A. E. Pomeroy and filed Augt. 16, 1869.

Aug. 14 Order appointing J. R. Brierly, Tyler Beach and Wm. M. Williamson, appraisers, made, entered and filed.

P. R. 5 p 402

Dec. 14 Inventory and appraisement filed.

Real Estate

Lot 4 on the South side of Colfax Street, 300 feet West of First Street in the City of San Jose, 100 feet front by 109.28 feet in depth.

valued at $500.00

(and other property, both real and personal)

Total appraised value of estate $8318.39

(duly verified)

1870

Feb. 9 Order of Publication of Notice to Creditors in the San Jose Weekly Mercury at least once a week for four weeks, made, entered and filed. P.R. 6 p 3

1870

Mch. 19 Affidavit of J. J. Owen, one of the Publishers, Printers and Proprietors of the San Jose Weekly Mercury, a weekly newspaper and principal clerk in the office of said newspaper, of Publication of Notice to Creditors, in said newspaper for five consecutive weeks, from the17th day of Feby. 1870 to the 17th day of Mch. 1870, that is to say, Feby. 17, 24, March 3, 10 and 17, that being as often during said period as said newspaper was regularly issued, filed.

Subscribed and Sworn to Mch. 19, 1870.

By J. J. Owen, Before Jas. R. Lowe Jr. N. P.
(Notarial Seal not affixed)

Mch. 19 Decree showing that due and legal notice to creditors has been given, made, entered and filed.

P. R. 6 p 47

1871

July 8 Final Account of A. E. Pomeroy Administrator filed.

Subscribed and sworn to July 7, 1871

By A. E. Pomeroy

Before Jas. R. Lowe, Jr. N. P.

(Notarial Seal not affixed)

July 8 Report of A. E. Pomeroy, Administrator accompanying final account and petition for distribution filed, shows: That he was appointed such administrator and entered upon the discharge of the duties of his trust on the 14th day of August 1869.

1871

That as it appears by the Inventory and appraisement on filed, all the property belonging to said Estate which has come to his hands was appraised at the sum of $8318.39. That said estate was common property left by said deceased, one half of which belonged to his then surviving widow, Mary Thomas

That your petitioner has this day rendered a final account of his administration showing a balance of $1943.19 cash on hand. The amount of estate accounted for being the sum of $8686.39 including the real estate at the value contained in the Inventory. That he has accounted for all the property of said Estate which has come to his hands.

That no claims against said deceased have ever been presented.

That all the expenses of administration have been paid, excepting accruing costs, of which a small amount yet remains due.

That all the real estate originally belonging to said deceased yet remains unsold.

That more than 10 months have expired since the first publication of notice to creditors, and that a decree has been entered herein adjudging that said notice was duly given.

That said deceased left at his death other than said widow, the following named children, to wit: Carrie A. Tonner, Katty M. Tonner, Edith Tonner and Luella Tonner, all of whom are now under the age of 18 years of age and reside with their guardian, Cuthbert Burrell in the County of Santa

1871

Clara.

That since the appointment of your petitioner said Mary Tonner, wife of said deceased has departed this life, leaving a will devising all of her said estate to said children, which will has been Probated in this Court. That said children therefore are the sole heirs of the said Wesley Tonner.

That said estate is in a condition to be closed.

Said Administrator therefore prays a settlement of his administration of said Estate and that this Court appoint a day for the settlement of his final account and that after due and legal notice given thereof, by the Clerk of this Court said account be settled and allowed and that thereupon said administrator be directed to turn over the Estate remaining in his hands to the Guardian of said children as aforesaid, and that upon so doing said estate he decreed to be settled and said administration closed and he be discharged from said trust.

July 8

Order appointing Augt. 12, 1871 toshow cause why said final account should not be settled and why an order of distribution should not be made of the residue of said estate among the heirs of said Wesley Tonner, deceased, according to law. That a copy of this order be published for four successive weeks before the said 12th day of Augt. 1871 in the Santa Clara Argus, a newspaper printed and published inthe County of Santa Clara aforesaid, said

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|---|---|
| 1871 | newspaper now being the "litigant paper" of said County. That notice thereof be given by posting according to law and that a copy of said notice be served upon Jas. R. Lowe Jr. the Attorney appointed to represent the minors interested in said estate, made, entered and filed. P. R. 7 p 195 |
| July 8 | Receipt of Jas. R. Lowe Jr. Attorney for minors of a true copy of the foregoing order, endorsed on foregoing order. |
| July 11 | Affidavit of L. F. Eastin of Posting on July 11, 1871 exact and true copies of the Notice of Time and Place appointed for the settlement of said Final Account in three of the most public places in said County of Santa Clara, (naming them) filed. |
| Aug. 12 | Affidavit of William A. January, proprietor, printer and publisher of the Santa Clara Argus, a weekly newspaper &c of Publication of Order to Show Cause on Augt. 12, 1871 why said Final Account should not be settled and allowed and why an order of distribution should not be made, in said newspaper, regularly once a week for the period of four consecutive weeks, to wit: in the issues thereof of July 15th 22d and 29th and of Augt. 5th and 12th 1871 filed. |
| Augt. 16 | Vouchers filed. |
| Augt. 16 | Order for final Distribution made, entered and filed. P. R. 7 p 274 |

1871

as follows:

A. E. Pomeroy, administrator of the estate of Wesley Tonner, deceased, having heretofore filed in this Court his account of his receipts and disbursements, as a final account of his administration, and the 12th day of August A.D. 1871 having been appointed by this Court for the settlement of said account; on said last mentioned day the said administrator appeared in this Court by his Counsel, and Jas. R. Lowe Jr. the person appointed by said Court to represent the absent and infant heirs of said deceased and all others interested in said estate being present, and due proof having been made to the satisfaction of this Court, that notice of the settlement of said account had been given according to the Statute in such case made and provided and according to the order of this Court, and no objections being made or filed to said account or to any item thereof and the same having been examined by this Court, and it appearing to this Court that the said account is correct and just and duly sustained by legal and proper vouchers, and that said administrator has duly accounted for all the estate, real and personal which has come to his possession at the value of the appraisement contained in the inventory with all the interest, profit and income of the estate and that the sum of $ remains in the hands of said administrator, and said administrator also having among other things in said petition prayed for an

1871

order of distribution of said estate to the surviving children or their legally appointed guardian.

And the judge of said Court having heretofore to wit: 8th day of July A.D.1871 made an order directing all persons interested in the said estate to appear before this Court at the Court room thereof at the City of San Jose on Saturday the 12th day of August 1871 at the hour of Eleven A. M. to show cause if any they have, why an order should not be granted distributing the said Estate to the heirs of the deceased and thepersons entitled and directing a copy of said order to show cause to be published for four successive weeks as required by law in the "Santa Clara Argus" a weekly newspaper published in the City of San Jose and County aforesaid, and at the said hour on the said 12th day of August 1871, upon proof by the affidavit of William A. January, the principal Clerk and book keeper in the office of the said newspaper filed in this Court showing the due publication of said order to show cause,for four consecutive weeks and commencing on the 15th day of July 1871 and upon proof of the due service of a copy of said order upon James R. Lowe Jr. the duly appointed Guardian ad litem of Carrie Tonner, Mary Kate Tonner, Edith Tonner and Luella Tonner, the children and sole heirs at law of said deceased and the said Guardian ad litem appearing in person and all the records and proceedings in the matter of said estate having been put in evidence and considered, and it appearing

1871

to the satisfaction of the Court therefrom, that said estate is in a condition to be closed and distributed and that more than one year has elapsed since the commencement of the administration thereon, and that said children above named are the only legal heirs of said deceased and entitled to the whole of said Estate. It is therefore Ordered that the said account be allowed and approved and is hereby settled at the sum of $1943.20 in the hands of said administrator and one half of the real estate referred to in the inventory on file herein. And it is further Ordered, That the said property and estate be distributed to said heirs and be paid over by the said E. A. Pomeroy to their legally appointed Guardian and upon filing due and proper vouchers and receipts of said payments in this Court that he be fully and finally discharged from his trust as such administrator and that his sureties shall thereupon and thenceforth be discharged from all liability of the future acts of said administrator. Dated this 12th day of August 1871.

(signed) R. I. Barnett, County Judge

Ex Of. Probate Judge.

Stephen C. Thomas

— to —

Mary Tonner

MARRIAGE CERTIFICATE

Dated March 11, 1869.

E. D. Simons, Pastor Baptist Church certifies that the rite of Holy Matrimony was celebrated between the above named parties by him, on above mentioned date.

Recorded (with copy of License annexed) Mch. 11, 1869.

Liber B of Marriages, page 417.

Probate Court

County of Santa Clara

In the Matter of the Estate

——— of ———

Mary Thomas, Deceased

REG. B PAGE 504 ESTATE No.528.

1869

Nov.13 Will filed. (copy)

In the name of God Amen, I,Mary Thomas of the City of San Jose, in the County of Santa Clara and State of California, being of sound mind and memory do make, publish and declare this my last Will and Testament, that is to say:

First: I give, devise and bequeath to my four children by my former husband, Wesley Tonner (now deceased) viz: Carrie Tonner, Mary Kate Tonner, Edith Tonner and Luella Tonner, all my estate whether real personal or mixed of which I may die seized or possessed, to be divided equally between them, share and share alike, first paying from said Estate my funeral expenses and just debts.

Second: I hereby nominate and appoint my brother, Cuthbert Burrel as Executor of this my last Will and Testament.

Third: I hereby nominate and appoint my Executor Cuthbert Burrel, the Guardian of the persons and estates of my said daughters aforesaid, and request him to undertake the management and control of such

1869

real estate, moneys and other property belonging to me as may come into his hands as such Executor or Guardian and to invest the same to the best advantage and to apply the income thereof to the support and education of my said daughters as long as they remain unmarried; and if either of my said daughters shall marry then I request my said Executor Cuthbert Burrel to settle upon the one so marrying the portion of such moneys and property belonging to her in such manner that the same shall be free from all control of her husband, and that she may realize and enjoy the income thereof without any interference or hindrance on the part of such husband.

Fourth: In the event of the death of either of my said daughters then I leave the portion of my said Estate to which she would be entitled to her issue lawfully begotten, or if she should die without lawful issue, then I direct that such portion be held by my Executor Cuthbert for the benefit of the remaining daughters that my survive, to be equally divided between them upon the same trusts and conditions as hereinbefore expressed.

Fifth: I hereby revoke and annul all other and former wills by me made.

In Witness whereof I hereunto put my hand and affix my seal, this Twenty first day of September A. D. 1869.

Mary Thomas (seal)

Subscribed by the Testator Mary Thomas in our

1869

Presence and acknowledged by her to each of us and she at the same time published and declared the above and foregoing Instrument so subscribed to be her last Will and Testament, and we at the Testators request in her presence and in the pre sence of each other have subscribed our names as witnesses thereto this Twenty first day of September A. D. 1869.

A. E. Pomeroy San Joss

George Pomeroy, San Jose.

Geo. H. Hare, San Jose.

Nov. 13

Petition of Cuthbert Burrel for Probate of Will filed. Shows:- That Mary Thomas died on or about the 11th day of October 1869 at the City and County of San Francisco, State of California, and at the time of her death was a resident of the County of Santa Clara, State of California, and left estate consisting of Real Estate and personal property.

That the probable value and character of the said property are as follows: to wit: An undivided interest in certain lots of land in the City of San Jose of the probable value of $1500.oo Also personal property of the probable value of $1200.oo

That the estate and effects for or in respect of which the probate of the will hereinafter mentioned is hereinafter applied for, does not exceed the sum of $2700.oo

That said deceased left a Will bearing date the 21st day of Sept. 1869 in the possession of

Henry [illegible]

1869

Henry B. Alvord, which your petitioner believes and therefore alleges to be the last will and testament of said deceased and which is herewith presented to said Probate Court.

That Cuthbert Burrel is named in said Will as executor thereof, and Carrie Tonner aged 13 years, residing at the County of Santa Clara, Cal. and Mary Kate Tonner aged about 11 years, residing at the said County of Santa Clara, and Edith Tonner aged about 9 years residing in said Santa Clara Co. and Luella Tonner aged about 5 years, also residing in said Santa Clara County, are named therein as devisees.

That the subscribing witnesses to said Will are A. E. Pomeroy and George Pomeroy and Geo. H. Hare, all residing in the City of San Jose, County of Santa Clara,

That the next of kin and heirs at law of said testatrix and the names, ages and residences of said heirs are Carrie Tonner, Mary Kate Tonner, Edith Tonner, and Luella Tonner, the above named being the children of said Mary Thomas, deceased. Also S. C. Thomas, the husband of said deceased, Mary Thomas, residing in Santa Clara County, Cal. and aged 39 years. That

That at the time said will was executed to wit: on the 21st day of Sept. 1869 the said testatrix was over the age of 18 years to wit: of the age of 34 years or thereabouts and was of sound and disposing mind and not action under restraint,

1869

undue influence or fraudulent misrepresentation, and in every respect competent by last will to dispose of all her estate.

That said will is in writing, signed by the said testatrixand attested by said subscribing witnesses, at the request of said testatrix, subscribing their names to the said will in the presence of the said testatrix and in the presence of each other; andthat as your petitioner is advised, and therefore alleges said witnesses, at the time of attesting the execution of said will, were and are now competent; wherefore your petitioner prays that the said will may be admitted to Probate and that Letters Testamentary be issued to your petitioner, and that for that purpose this Hon. Court appoint a time for proving said will and cause notice to be given thereof by the Clerk, by publication &c that citation be directed to be issued and served upon the said heirs of said testatrix residing in the County last aforesaid; and subpoenas be directed to be issued to the said subscribing witnesses to the said will residing in the said Santa Clara County and that all other necessary and proper orders may be made in the premises.

Dated November 12, 1869 (sgd) Cuthbert Burrell.

Nov. 13 Order appointing Dec. 4, 1869 for proving said Will and hearing said application and that notice be given thereof by publication not less than ten days before said day in the San Jose Daily Mercury, That subpoenas be issued to the subscribing witness-

1869 es to said Will and that Citation be issued and served upon the heirs of the said testatrix residing in said Santa Clara County to appear and contest the probate of said Will, at the said time appointed, made, entered and filed.

Record 5 page 523.

Dec.20 Subpoena issued to A.E. Pomeroy, George Pomeroy and George H. Hare.

Nov.20 Citation issued to Carrie Tonner, Mary Kate Tonner, Edith Tonner, Luella Tonner and S. B. Thomas.

Nov.25 Citation returned, filed, endorsed, I, J.H. Adams Sheriff of the County of Santa Clara, do hereby certify that I served the within Citation on the within named minor children, Carrie Tonner, Mary Kate Tonner, Edith Tonner and Luella Tonner in said County by delivering to each personally a copy thereof, on the 24th day of November A.D. 1869 at said County and I further certify that S.B. Thomas after diligent search and inquiry cannot be found in said County by me.

Dated Nov. 24, 1869.

J. H. Adams, Sheriff

By R. B. Hall, Under Sheriff.

Nov.26 Subpoena returned served personally on all the witnesses, Nov. 22, 1869, filed.

Dec. 4 Affidavit of B. H. Cottle, one of the Printers of and of the Proprietors of the San Jose Daily Mercury, of Publication of Notice of Time and Place appointed for Proving said Will and hearing upon

1869

said Petition for issuance of Letters Testamentary thereon, in said newspaper for 16 consecutive days, each and every day (Sundays excepted) from the 16th day of November 1869 to the 4th Day of December 1869 both inclusive, that being as often during said period as said newspaper was regularly issued, filed

Subscribed and sworn to Dec. 4, 1869

By B. H. Cottle

Before Jas. R. Lowe Jr. N. P.

(Notarial seal not affixed)

Dec. 4 Order appointing Jas. R. Lowe Jr. Atty. to represent said minors, also S. C. Thomas made, entered and filed.

Record 5 p 546.

Dec. 4 Testimony of probate of Will filed.

Dec. 4 Consent of Atty. of minors and S. C. Thomas to Probate of Will, filed.

Dec. 4 Order admitting will to Probate; that said Cuthbert Burrel be and he is hereby appointed Executor of the last will and testament of said Mary Thomas, deceased, and that Letters Testamentary issue to said petitioner, upon giving bond in the sum of Four thousand dollars and taking the oath as required by law.

P. R. 5 p 547.

Dec. 4 Certificate of Probate of Will, filed.

Dec. 4 Will and Certificate of Proof of Will recorded in Book B of Wills, page 188.

1869

Dec. 6 Bond of Cuthbert Burrel upon qualifying in the sum of $4000.oo with John Hemlin and Edward Burrell as sureties, approved and filed.

Dec.6 Letters Testamentary (with oath annexed) issued to Cuthbert Burrell and filed.

Dec.6 Order appointing Tyler Beach, J. R. Brierly and Chas. Silent, appraisers, made, enteredand filed.

P. R. 5 p 555

Dec. 11 Order of Publication of Notice to Creditors in the San Jose Weekly Mercury at least once a week for four consecutive weeks, made, entered and filed.

P. R. 5 p 564.

Dec.14 Inventory and appraisement filed.

Being one half of the following described property.

Real Estate

The following Lots and Improvements in the City of San Jose:

Lot 4, South side of Colfax Street, 300 ft. West of First Street, 100 feet front x 109.28 feet in depth, valued at $250.oo

(and other property, both real and personal)

Total appraised value of estate, $4259.20

The estate mentioned in foregoing Inventory is

____ property.

(duly verified)

1870

Mch. 19 Affidavit of J. J. Owen, one of the Publishers, Printers and Proprietors of the San Jose Weekly Mercury, and principal clerk in the office of said newspaper, of Publication of Notice to Creditors, in said newspaper for five consecutive weeks, from the 13th day of Jany. 1870 to the 10 day of Feby. 1870, that is to say, Jany. 13,20,27, Feby. 3d and 10th, that being as often during said period as said newspaper was regularly issued, filed.

Subscribed and Sworn to Mch. 19, 1870.

By J. J. Owen,

Before Jas. R. Lowe Jr. N. P.

(Notarial seal not affixed)

Mch. 19 Decree showing that due and legal Notice to Creditors has been given, made, entered and filed.

P. R. 6 p 46.

1871

July 8 Final account of Cuthbert Burrell, Executor &c filed.

Subscribed and Sworn to July 3, 1871

By Cuthbert Burrel,

Before Jas. R. Lowe Jr. N. P.

(Notarial Seal not affixed)

July 8 Report of Executor, accompanying final account and petition for a settlement of his administration of said estate, filed, shows: That he was appointed such Executor and entered upon the duties of his trust on the 6th Dec. 1869.

1871

That as appears by the inventory and appraisement on file all the property belonging to said estate that has come into hands was appraised at the sum of $4259.20.

That said estate consisted of the half of the common property left by Wesley Tonner, deceased the husband of said testatrix.

That your petitioner has this day rendered a final account of his administration showing a balance of $1320.12 cash on hand. The amount of estate accounted for being the sum of $3820.12 including the real estate at the value contained in the inventory.

That he has accounted for all the property of said estate that has come to his hands; that no claims have ever been presented against said deceased, and that all the expenses of administration have been paid except accruing costs and clerks fees of which a small amount yet remains due.

That all the real estate originally belonging to said estate yet remains undisposed of.

That more than 10 months have expired since the first publication of notice to creditors and that a decree has been entered herein decreeing that notice has been duly given.

That by the terms of the Will of said deceased her four daughters are the sole devisees thereunder and your petitioner is named therein as their guardian.

That in compliance with said last named trust

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1871

he has as such expended of the income of said estate the sum of $275.00 in the maintenance of said children named in said will and that the residue of such expenses he has defrayed out of his private funds and for which he makes no charge.

That said estate is in a condition to be closed.

Said executor therefore prays a settlement of his administration of said Estate and that this Court appoint a day for the settlement of said final account and that after due and legal notice given thereof by the clerk, said final account be settled and allowed and approved by this Court, and that thereupon said executor be directed to turn over said estate so in his hands to the guardian of said children, said devisees as aforesaid, and that upon so doing said estate be decreed to be settled and said administration closed and he be discharged from said trust.

July 8

Order appointing August 12, 1871 for the settlement of the said account and for all persons interested to show cause why an order of distribution should not be made of the residue of said Estate among the heirs and devisees of the said Mary Thomas Deceased, according to law; that a copy of this order be published for four successive weeks, before the said 12 August 1871 in the Santa Clara Argus a newspaper printed and published in said County of Santa Clara, said newspaper now being the "litigant paper" of said County and that a copy of said not-

1871

ice be served upon Jas. R. Lowe Jr. the Atty. appointed to represent the minors interested in said Estate, made, entered and filed.

Record 7 p 193

July 8 — Receipt of Jas. R. Lowe Jr. Atty. for minors of a true copy of the foregoing order, endorsed on foregoing order.

July 11 — Affidavit of L. F. Eastin of Posting on July 11, 1871 exact and true copies of the Notice of Time and Place appointed for the settlement of said Final Account, in three of the most public places in said Santa Clara County (naming them) filed.

Aug. 12 — Affidavit of William A. January, proprietor, printer and publisher of the Santa Clara Argus, a weekly newspaper &c of Publication of Order appointing Augt. 12, 1871 for thesettlement of said Final Account and hearing upon said Petition for Distribution, in said newspaper, regularly once a week for the period of four consecutive weeks, to wit: in the issues thereof of July 15th, 22d and 29th and of August 5th and 12th 1871, filed.

Augt. 16 — Vouchers filed.

Augt. 16 — Order settling Final Account and Distributing Estate filed, and entered.

Record 7 p 271

as follows:

Cuthbert Burrell, Executor of the last

1871

Will and Testament of Mary Thomas, Deceased having heretofore filed in this Court his accounts of his receipts and disbursements as a final account of his executorship, and on the 12th day of August A. D. 1871 having been appointed by this Court for the settlement of said account and on said last mentioned day the said Executor appeared in this Court by his Counsel and _____ the person appointed by said Court to represent the absent and infant heirs of said deceased, and all others interested in said estate being present and due proof having been made to the satisfaction of this Court, that notice of the settlement of said account had been given according to the Statute in such case made and provided and according to the order of this Court, and no objection being made or filed to said account or to any item thereof; and the same having been examined by this Court and it appearing to this Court that the said account is correct and just and duly sustained by legal and proper vouchers and that said Executor has duly accounted for all the estate real and personal which has come to his possession at the value of the appraisement contained in the Inventory, with all the interest, profit and income of the estate and that the sum of $___ remains in the hands of said Executor.

And said Executor also having among other things in said petition prayed for an order of distribution of said Estate to the surviving children or their legally appointed Guardian. And the Judge of

1871

said Court having heretofore, to wit: on the 8th July 1871 made an order directing all persons interested in the said estate to appear before this Court at the Court room thereof at the City of San Jose on Saturday the 12th day of August 1871 at the hour of Eleven A. M. to show cause, if any they have, why an order should not be granted distributing the said estate to the heirs of the deceased and the persons entitled, and directing a copy of said order to show cause to be published for four successive weeks, as required by law in the "Santa Clara Argus" a weekly newspaper published in the City of San Jose and County aforesaid. And at the said hour on the said 12th day of August 1871, upon proof by the affidavit of William A. January, the principal clerk and bookkeeper in the office of the said newspaper filed in this Court, showing the due publication of said order to show cause for four successive weeks, and commencing on the 15th day of July 1871, and upon prof of the due service of a copy of said order upon James R. Lowe Jr. the duly appointed Guardian ad litem of Carrie Tonner, Mary Kate Tonner, Edith Tonner, and Luella Tonner, the children by a former marriage and sole heirs at law of said deceased, and the said Guardian ad litem appearing in person, and all the records and proceedings in the matter of said estate having been put in evidence and considered, and it appearing to the satisfaction of the Court therefrom, that said estate is in a condition to be closed, and distributed and that more than one

1871

year has elapsed since the commencement of the Executorship thereon, and that said children above named are the only legal heirs of said deceased and entitled to the whole of said estate. It is therefore ORDERED that the said account be allowed and approved and is hereby settled at the sum of $1320.12 in the hands of said Executor and one half of the real estate referred to in the inventory on file herein.

And it is further ordered, That the said property and estate be distributed to said heirs and be paid over by the said Cuthbert Burrell to their legally appointed guardian, and upon filing due and proper vouchers and receipts of said payments in this Court, that he be fully and finally discharged from his trust as such executor, and that his sureties shall thereupon and thenceforth be discharged from all liability of the future acts of said Executor. Dated this 12th day of August 1871.

R. I. Barnett, County Judge

Ex officio Probate Judge.

Probate Court

County of Santa Clara

In the Matter of the
Estates and Guardianship of
Carrie Tonner, Mary Kate Tonner,
Edith Tonner and Luella Tonner
minor heirs of Mary Thomas, deceased

Reg. C page 37 Estate No. 618

1871

Aug. 16 Petition of Cuthbert Burrell for Letters of Guardianship filed, shows: That your petitioner is the uncle of Carrie Tonner, Mary Kate Tonner, Edith Tonner and Luella Tonner, minors children of Mary Thomas, deceased, That said decedent died leaving a will which has been duly Probated in this Court appointing your petitioner the Guardian of said children. That said minors are residents of this County and have estate therein both real and personal, which needs the care and attention of some fit person. That the father of said minors died before their said mother. That said Carrie, is of the age of 14 years, or over, and that the said other children are under the age of 14 years, respectively, and are all under the care of your petitioner, Wherefore your petitioner prays that he be appointed Guardian of said minors, and that such notice be given as your Honor may direct.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

1871

Aug. 19 — Order appointing Cuthbert Burrell, Guardian of the persons and Estates of said minors upon his executing and filing a bond to said minors in the sum of $12000.00 made, entered and filed.

Aug. 23 — Bond of Guardian in the sum of $12000 with Edward Burrell and Donald McKenzie as sureties approved, filed and recorded.

Book A Bonds, page 620.

Aug. 26 — Letters of Guardianship (with oath annexed) issued to Cuthbert Burrell, filed.

Sept. 2 — Order appointing A. L. Boggs, C. W. Pomeroy and Ellard Park, appraisers, made entered and filed.

Record 7 page 318.

Sept. 19 — Inventory and appraisement filed.

Real Estate.

In the City of San Jose, Lot 4 on South side of Colfax Street 300 feet West of First Street and 100 feet front by 119.20 feet in depth,

valued at $500.00

and other real estate and personal property, appraised at different sums, making a total of $8363.31

(verified) (not recorded)

1875

May 20 — Final Account of Guardian and Petition of Discharge and for partial distribution, filed, shows: That

1875

Letters of Guardianship of the said persons and estates were issued to him on the 26th day of Augt. 1871. That afterwards and on the 19th Sept. 1871 an Inventory and Appraisement of the property belonging to said minors was filed.

That he is an uncle of his said wards and ever since the date of his said letters, to wit: on the 19th Sept. 1871 he was maintained and educated said wards at his own cost and has during all of said time paid all of their expenses.

That it never was his intention to charge the said wards with any portion of said expenses, but to keep intact all of their property subject to the orders of this Court, and therefore did not as a rule retain vouchers for money paid out on their account. That in point of fact he has paid out a much larger sum than appears in said account of which he has kept no memorandum. And he is ready to turn over to his successor all of the Real and personal estate and money belonging to his wards which is set forth in the Inventory. No other property of any kind has come to his hands or knowledge other than that set forth in said Inventory. And the undersigned hereby releases all claim for money paid for the maintenance, education and support of said wards, including compensation as Guardian, and forever discharges and acquits the said minors, and each of them and their estates respectively of and from any claim or demand against them or either of them or for or on account of said Guardianship as to the

1875

matter of interest for which the undersigned would be liable for the cash in his hands belonging to said minor the undersigned avers that the necessary disbursements for the support and education of his said wards, payment of taxes, and current expenses on their behalf has always been largely in excess of such interest received by him.

That your petitioner is in failing health and is physically unable to attend to the management of his wards estates and therefore asks that upon and after the settlement of his said accounts that he be discharged and relieved of his said Guardianship and that another uncle of said wards, to wit: Edward Burrel, or such other person as said wards may select be appointed in his stead.

Prays that the judge of said Court appoint a day of a term of said Court for settlement of said account, and that on the day appointed, or on such subsequent day as the hearing may be adjourned to, it being first proved to the satisfaction of said Court that due and legal notice of the time appointed for the settlement of said account be given, said account be settled and allowed by said Court.

C. Burrel.

And the undersigned would further report that since his said appointment as said Guardian, one of his said wards, to wit: Carrie Tonner, has become of age and is now the wife of ___ Robertson, residing in the town of Plainfield, in the State of Illinois and is entitled to her distributive bhare

1875 of the estate. That there are no debts against the estates of said wards or either of them. That all State and County and municipal taxes have been fully paid. That the share to which the said Carrie is entitled is as follows: to wit: The undivided one quarter of all the real and personal property mentioned and described in the Inventory and appraisement filed herein on the 19th Sept. 1871 and one fourth of the cash remaining in the hands of said Guardian, to wit: $793.83 which your petitioner prays may by order of this Court be distributed to her and upon the filing of the proper vouchers showing that said Carrie has received her said share of said estate that your petitioner be discharged from any further liability as to her.

C. Burrel.

May 24 Order appointing May 29, 1875 for the settlement of said account and the hearing of said petition and that notice be given thereof by posting made, entered and filed. P.R.11 p 261

May 24 Affidavit of M. J. Ashmore of Posting on May 24, 1875 exact and true copies of the Notice of Time and Place appointed for the settlement of said Final Account and hearing upon said Petition in three of the most public places in said County of Santa Clara (naming them) filed.

May 29 Decree allowing final account of Guardian, and order for partial distribution, made, entered and filed. P. R. 11, p 265

1875

as follows:

Cuthbert Burrel, the Guardian of the persons an and estates ofthe above named Carrie, Mary Kate, Edith and Luella Tonner, having on the 20th day of May A.D.1875 rendered and presented for settlement and filed in this Court his final account of his Guardianship, and also his petition for partial distribution. And afterwards, to wit: on the 29th day of May 1875 the said matters coming on regularly to be heard, and due proof having been made to the satisfaction of this Court that notice of the time and place of the settlement of said account and of the hearing of said petition had been duly given by the Clerk as required by law, and the order of this Court, and no exceptions in writing or otherwise to said account, or the granting of said petition having been made or filed and James R. Lowe Esq. an attorney of this Court duly appointed by order of this Court to represent the minors, and no other person interested in said estate appeared on behalf of said minors and persons and in open Court as such Attorney assented to this order.

Now on this the day last aforesaid being a day of the regular May term of said Court,it duly appearing to this Court that upon the examination of the said account and said petition and the testimony of witnesses, that said account and said petition are entitled to be allowed and approved.

Now on motion of Spencer & Rankin, Attys. for

1875

said Guardian,

It is ordered, adjudged and decreed that the said account be and the same is hereby settled, allowed and approved as the same was rendered and presented for settlement, and it appearing that since the date of the appointment of said Guardian one of said minors, to wit: Carrie Tonner, has attained her majority, having intermarried with one Eugene Robertson of the town of Plainfield and is now a resident of the State of Illinois, and that she is now entitled to her distributive share of said estate, to wit: the undivided one quarter part of the whole thereof. That there are no debts existing against the estates of said wards or either of them, and that State County and Municipal taxes have been fully paid.

Now on this the 29th day of May 1875, on motion of Spencer & Rankin, Attorneys of said Guardian and the said Atty. for said heirs being present and consenting and no exceptions or objections being filed or made by any person interested in said estates or otherwise; It is hereby Ordered, Adjudged and Decreed that the undivided one quarter of the whole of the estate be and the same is hereby distributed to her, the said Carrie Robertson.

And the said Guardian is hereby ordered to pay to the said Carrie the sum of $790.83 being her share of the money in his hands as such Guardian. And also to turn over to said Carrie, the undivided one quarter of the real estate held by him as such

1875

Guardian.

The following is a particular description of said real estate referred to in the said decree and of which such distribution is ordered as follows, to wit:

Those certain lots or parcels of land lying and being in the City of San Jose, County of Santa Clara, State of California, to wit: Lot No.4 on South side of Colfax Street, 300 feet West of First Street and 100 feet front by 109.20 feet in depth.

(and other property)

And it is further ordered, adjudged and decreed that upon the payment of the money found to be due to the said Carrie Robertson and filing the proper voucher therefor, to wit: for the sum of $790.83 and turning over to said Carrie her share of said real estate, to wit: the undivided one quarter part thereof and filing in this Court the proper voucher therefor, and the payment to his successor in Guardianship of the balance of funds in his hands belonging to said wards who have not yet attained their majority, to wit: the sum of $2372.49 and turning over the real estate and property in his hands as such Guardian (other than the share of the said Carrie) to his successor and filing in this Court the proper receipt and voucher of his said successor said Cuthbert Burrel as such Guardian shall be entitled to a full and final discharge as said Guardian.

Done in open Court this the 29th day of May

A. D. 1875.

D. S. Payne.

Probate Judge.

Probate Court

County of Santa Clara

In the Matter of the Estate
and Guardianship of
Mary Kate Tonner,
Edith Tonner and
Luella Tonner, Minors

REG. C PAGE 418 ESTATE No. 894.

1875

June 1 Petition of Edward Burrell for appointment of Guardian filed, shows: That your petitioner is an uncle of Mary Kate Tonner, Edith Tonner and Lulla Tonner, minor children of Mary Thomas, deceased. That said minors are resident of the County of Santa Clara, California, and have estate within said State of California which needs the care and attention of some fit and proper person. That the father of said minors died before their said mother. That Cuthbert Burrell heretofore appointed Guardian of said minors having filed his petition in the Court to be discharged from his said trust, which petition has been granted upon certain conditions in the order of discharge mentioned. That accompanying this petition is the written request of said minors for the appointment of the undersigned as their said Guardian.

That therefore, it is necessary and convenient that a guardian be appointed to the person and es-

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

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| 1875 | tate of said minors; That said minors are over the age of 14 years and said minors __ at present under the care of the said Cuthbert Burrell.<br>That the only relative of the said minor_ residing in said County of Santa Clara are the said Cuthbert Burrell.<br>Wherefore your petitioner prays that your honor will be pleased to appoint the undersigned who is a fit and proper person, or such other person as your Honor may think proper as a guardian of said minors and that your Honor cause such notice to be given to the said Mary Kate, Edith and Luella Tonner as your Honor shall on due inquiry deem reasonable. |
| June 1 | Order appointing June 5, 1875 to show cause why the said Edward Burrell should not be appointed the Guardian of the persons and estates of the said minors and that notice be given thereof by posting made, entered and filed.<br>P.R.11 p 276 |
| June 2 | Affidavit of M. J. Ashmore of Posting on June 2, 1875 exact and true copies of the notice of Time and Place appointed for hearing upon said Petition, in three of the most public places in said County of Santa Clara (naming them) filed. |
| June 5 | Request of Mary Kate Tonner, Edith Tonner and Luella Tonner, minors that their uncle Edward Burrell be appointed Guardian of their persons and estates, filed. |
| June 5 | Order that Edward Burrel be and he is hereby ap- |

1875

pointed guardian of the persons and estates of said minors upon executing and filing a bond to the said minors in the sum of $6000.00 made, entered and filed.

P. R. 11 p 289

June 7 Bond of Guardian upon qualifying in the sum of $6000 with Cuthbert Burrel and Joseph E. Brown as sureties approved filed.

June 7 Letters of Guardianship (with oath annexed) to Edward Burrell, filed.

June 7 Order appointing James A. Clayton, A. E. Pomeroy and A. L. Boggs, made, entered and filed. appraisers?

P.R.11 p 288

June 15 Inventory and appraisement filed.

Real Estate

The following described Lots in the City of San Jose, County of Santa Clara, State of California:

Lot 4 on South side of Colfax Street 300 feet West of First Street and 100 feet front by 109.20 feet deep, valued at $600.00

and other lots and moneys making a total appraisement of $8597.25

(not recorded)

July 28 Petition of Edward Burrell, Guardian &c for order of sale of realestate filed, shows: That on the 5th June 1875 letters of Guardianship were issued to your petitioner by this Court; that your petitioner thereupon duly entered upon the discharge of his duties as such guardian, and that such let-

1875

ters have not been revoked.

That on the 15th June 1875 your petitioner duly returned to this Court a true inventory and an appraisement of all the estate, real and personal of the said wards that has come to his possession.

That the following is a particular description of the real estate belonging to said wards and set forth in said Inventory, to wit: All those certain lots of land lying and being inthe City of San Jose, County of Santa Clara, Cal. to wit: Lot 4 on South side of Colfax Street, in said City of San Jose, being 300 feet West of First Street and 100 feet front by 109.20 feet deep.

(and other property)

That in and by the provisions of the last will and testament of Mary Thomas, deceased which said Will has heretofore been admitted to Probate in this Court and is hereby referred to, the herein before described real estate was devised to her children to wit: Carrie Tonner, Mary Kate Tonner, Edith Tonner and Luella Tonner, all of whom except the said Carrie are the wards of your petitioner.

That the said Carrie has attained her majority and is now the wife of Eugene Robertson, residing in the State of Illinois, and is desirous of having her portion of said Estate.

That the appraised value of said realestate is $6125. and your petitioner believes that the same could be sold for, at least, that sum.

That a portion of said real estate is unproduct-

1875

ive; that the income from the whole is $23.00 per month.

That taxes, necessary repairs and expenses reduce the income to an insignificant sum. That if the whole of said real estate is sold, the shares remaining to the minors, the proceeds of such sale could be invested to much greater advantage.

That the said real estate cannot be divided without prejudice to the owners and a sale of undivided interests would not realize a fair proportion of the value of the whole.

That it would be for the best interests of his said wards, that all of the real estate hereinbefore described should be sold.

Wherefore, your petitioner prays that this Honorable Court make an order directing the next of kin of said wards and all persons interested in the said estates, to appear before this Court at a time and place therein specified, not less than four nor more than eight weeks from the time of making such order to show cause why an order should not be granted for the sale of said real estate; and that upon the hearing this Court may order said real estate to be sold at private sale for the purpose of partial distribution, and the remainder for the maintenance and education of said minors by investing the same in some safe way at interest, or that such other or further order may be made as is meet in the premises.

(duly verified)

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July 29 Order appointing Augt. 28, 1875 to show cause why an order should not be granted to the said Guardian to sell the real estate of the said wards and that a copy of this order be published at least four successive weeks in The San Jose Daily Mercury, made, entered and filed.

P. R. 11 p 392

Aug.28 Affidavit of J. J. Owen, Publisher, Printer and Proprietor of the San Jose Daily Mercury, and book-keeper in the office of said newspaper, of Publication of Order to Show Cause on Augt. 28, 1875 why Order of Sale of Real Estate should not be granted in said newspaper for four consecutive weeks, from the 30th day of July 1875 to the 27th day of Augt. 1875, that is to say, daily, Mondays excepted, that being as often during said period as said newspaper was regularly issued; filed.

Aug.28 Order continuing hearing of petition for order of sale of real estate one week from this date.

P. R. 11 p 443

Sept.4 Order of Sale of Real Estate, made, entered and filed.

P. R. 11 p 461

as follows:

Edward Burrel, the guardian of the persons and estates of Mary Kate Tonner, Edith Tonner and Luella Tonner, minors having on the 29th day of July A.D. 1875, presented to the Probate Court of the said County of Santa Clara, in which County he was ap-

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pointed such guardian, his petition praying for an order of sale of the real estate belonging to said minors and setting forth the condition ofthe estate of his said wards, and the facts and circumstances on which the said petition is founded, tending to show the necessity and propriety of a sale, which said petition is verified by the oath of the petitioner.

And it having appeared to this Court from such petition that it is necessary and would be for the best interest of said estates that such real estate should be sold, this Court thereupon made an order directing the next of kin of said wards and all persons interested in the said estate to appear before this Court at a time and place therein specified, not less than four nor more than eight weeks from the time of making such order to wit: on the 28th day of August A.D.1875 at 11 o'clock A. M. at the Court Room of this Court, then and there to show cause why an order should not be granted for the sale of such estate; and directed a copy of said order to show cause to be published at least three successive weeks in the "San Jose Daily Mercury" a newspaper printed and published in said County.

Now on this, the 4th day of September A.D. 1875 the hearing of said petition having been regularly continued to this day, at said hour, and at said Court Room, upon proof of the due publication in said newspaper, of a copy of the said order to

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show cause, at least three successive weeks before said hearing, this Court heard and examined the proofs and allegations of said peteitioner, neither any of the next of kin or any other person interested in the said estate or otherwise opposing the said application, and on such hearing the said guardian was examined on oath, and after a full examination, it appearing to this Court that it would be for the best interests of the estates of said minors and also necessary for partial distribution that the real estate hereinafter described should be sold, and that it is necessary that said real estate should be sold for the cause or reason that there is no sufficiant income from the said estate, to pay the necessary expenses of said wards, and that it would be beneficial to invest to the proceeds of such sale at interest and also for partial distribution.

And it further appearing that no good reason exists why said order of sale should not be granted as prayed for in said petition; and that all the proceedings upon said application have been in all respects strictly conducted in accordance with and as provided in the Statute regulating the sales of real estate belonging to minors, and no exceptions being taken or made to this order:

It is hereby Ordered, Adjudged and decreed, That said Edward Burrel , the guardian of the persons and estates of Mary Kate Tonner, Edith Tonner and Luella Tonner, the minors as aforesaid, do and

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he is hereby authorized to sell all the right, title and interest of his said wards in and to the following real estate, at private sale, upon the following terms, to wit: for cash, in the gold coin of the United States of America, and for the following cause or reason for partial distribution and for the purpose of investing the proceeds of such sale at interest forthe benefit of said wards. And it is further Ordered, That the said guardian shall before the said sale give bond to the Probate Judge of said County in the penal sum of $4000.oo with sufficient security to be approved by said Judge with condition to sell the real estate in the manner prescribed by law and the order of this Court forthe sales of real estate by executors and administrators; and to account for and dispose of the proceeds of the sale in the manner provided by law.

The following is the real estate hereby authorized to be sold, being situated in the County of Santa Clara, State of California, and described as follows, to wit: That certain Lot or parcel of land lying and being situate in the City of San Jose, County of Santa Clara, State of California, to wit:

Lot 4 on South side of Colfax Street, being 300 feet West of First Street and 100 feet front by 109.20 feet deep.

(and other property)

Done in open Court this the 4th day of September A.D. 1875.

SAN JOSE ABSTRACT COMPANY
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D. S. Payne, Probate Judge.

1876

Feb. 5 Bond of Edward Burrel, Guardian on sale of Real Estate in the sum of $4000.oo with C. Burrel and Frs. E. Spencer as sureties approved and filed.

Feb. 12 Report of Sale of Real Estate, filed.

Edward Burrel, the Guardian of the persons and estates of Mary K. Tonner, Edith Tonner and Lulla Tonner, minors, makes the following return of his proceedings under the Order of this Court dated Sept. 4, 1875 authorizing him as said Guardian to sell certain real estate at private sale, and reports as follows:

That in pursuance of said Order of Sale, he caused notices of the time and place, when and where he would receive bids for the purchase of said real estate to be posted up in three of the most public places inthe County of Santa Clara, in which the land ordered to be sold is situated, and a like notice to be published in the "San Jose Daily Patriot", a newspaper printed and published daily in the City of San Jose, County aforesaid, each and every day for a period of 20 days successively next before said sale; in all of which said notices the lands and interest to be sold were described with common certainty; all of which will also and more fully appear by the Affidavits marked "A" and "B" hereto attached and made a part of this return.

That at the time and place of the receiving of

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such bids specified in such notice, to wit: at the office of J. A. Clayton, in the City of San Jose, on Feby. 5, 1876, he sold at private sale to the highest bidder, the interest of said minors in said real estate described in said notice and included in said order and in accordance with the terms and conditions of said notice contained. The said bid is hereto attached marked Exhibit "C" and made a part hereof.

That at such sale Mary Ann McClaren became the purchaser of the interest of said minors in and to said real estate for the sum of $533.33 1/3 gold coin, that being the highest sum so bid as aforesaid.

That said sale was legally and fairly conducted, that as said Guardian believes the sum bid is not disproportionate to the value of the interest so sold, and that a sum exceeding such bid at least 10% exclusive of the expenses of a new sale, cannot be obtained.

That before making such sale and on Jany. 12, 1876 said Guardian as required in and by said Order of Sale, duly executed an additional bond to the Probate Judge of the County of Santa Clara, with sureties, duly approved, to wit: on Feby. 5, 1876 in the penal sum of $4000.00 conditioned that the said Guardian shouldfaithfully execute his trust according to law, in the sale of said estate and account for and dispose of the proceeds of the sale or sales in the manner prescribedby law.

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Prays for an Order confirming said sale and directing a conveyance to be executed to said purchaser, conveying all the right, title and interest of said minors in and to said real estate described in said Order and said Notice; or that such other or further order be made as is meet in the premises and that the hearing upon this return be had before the first day of the next term, after said sale, and this Court fix a day for such hearing.
(duly verified)

Annexed to and forming a part of foregoing Report are Exhibits "A" "B" and "C"

Exhibit "A" is Affidavit of P. M. Bruner of Posting on Jany. 15, 1876 exact and true copies of the Notice of Time and Place of holding Guardian's Sale of Real Estate, in three of the most public places in said County of Santa Clara (naming them)
NOTE: The Notice of Guardian's Sale of Real Estate attached to and forming part of foregoing Affidavit shows: That Edward Burrel Guardian of the persons and estates of Mary K. Tonner, Edith Tonner and Lulla Tonner, minors, pursuant to order of the Probate Court of the County of Santa Clara, Cal. made Sept. 4, 1875 in said matter, will sell at private sale to the highest bidder, for cash in U. S. gold coin 10% of purchase money to be paid on day of sale, balance on confirmation on or after Feby. 5, 1876 at the Office of Jas. A. Clayton, in the City of San Jose, County of Santa Clara, all the right, title and interest and estate of said

1875 minors in and to that parcel of land situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Lot No.4 on the South side of Colfax Street, being 300 feet West of First Street and 100 feet front by 109.20 feet deep.

Offers or bids will be received by said Guardian at said Office of Jas. A. Clayton.

Exhibit "B" is Affidavit of S. J. Hinds, Proprietor and Publisher of the San Jose Daily Patriot of Publication of Notice of Time and Place of receiving bids of the Sale of Real Estate ordered by the Probate Court of said County of Santa Clara, in the matter of said estates, on Sept. 4, 1875, in said newspaper for two weeks successively next before the day of sale mentioned in said notice, and as often during the period of said two successive weeks as said paper was regularly issued, to wit: the first publication on Jany. 17,1876 and was continuously (daily) published until the 8th day of Feby. 1876.

Note: The Notice of Guardian's Sale of Real Estate attached to and forming a part of foregoing Affidavit, is a fac simile of that annexed to and forming part of the Affidavit marked Exhibit "A".

Exhibit "C" is Bid of Mary Ann McClaren of $533.33 1/3 for the interest of said minors in and to the property advertised to be sold.

Feb. 14 Order appointing Feb. 26, 1876 day for hearing

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upon said Return and directing notice thereof of at least ten days to be given by the Clerk by posting notice of such hearing in at least three public places in the County of Santa Clara, made Feby. 12, 1876, entered and filed.

P. R. 12 p 168.

Feb. 15 Affidavit of M. J. Ashmore of Posting on Feby. 15, 1876 exact and true copies of the Notice of Time and Place appointed for hearing upon said Return, in three of the most public places in said County of Santa Clara (naming them) filed.

Feb. 26 Order Confirming Sale of Real Estate made, entered and filed.

P. R. 12 p 192

Edward Burrel, the Guardian of the persons and estates of the above named minors having on Feby. 12 1876 duly made a Return of his proceedings, verified by his oath, under the order of this Court made on Sept. 4, 1875 for the sale, at private sale, of certain real estate belonging to said minors and praying that said sale be confirmed by this Court, and for an order directing a conveyance to be made to the purchaser of the property so sold and at the same time obtained an order of this Court appointing this the 26th day of Feby. 1876 for the hearing of said Return and Petition.

Now on this 26th day of Feby. 1876 it appearing by the Affidavit of M. J. Ashmore that due and legal notice had been given according to law and the order of this Court to all persons interested in the matt-

1876

er of the hearing of said Return and Petition.

And this Court having examined the said Return of said Sale and having examined the said Guardian under oath and James A. Clayton, a witness first duly sworn and it appearing and having been duly proved to the satisfaction of this Court: That said Guardian caused notices of the time and place of holding the sale of said real estate, that at said time and place he would receive bids for the purchase of said property at private sale, to be posted up in three of the most public places in the said County of Santa Clara, the County wherein said property so sold is situated, and also caused said notice to be published in the "San Jose Daily Patriot" a newspaper printed and published in said County for two weeks successively next before the day on or after which the sale was to be made. The day named in said notice for such sale and the day when such sale was made was fully fifteen days after the first publication of notice. And also that the said property had been duly appraised within one year prior to said sale. And on the day fixed in said notice, to wit: on the 5th day of Feby. 1876 and at the place therein named such sale was made according to the order of this Court aforesaid and the terms and conditions set forth in said notice.

The description of the property so sold is as follows. All the right, title, interest and estate of the said minors in and to all that parcel of land situate in the City of San Jose, County of

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Santa Clara, State of California, described as follows:

Lot No.4 on the South side of Colfax Street, being 300 feet West of First Street and 100 feet front by 109.20 feet deep.

That at said sale Mary Ann McClaren became the purchaser of said interests of said minors in and to said real estate for the sum of $533.33, being an undivided two thirds of the whole, she being the highest and best bidder and that sum being the highest and best sum bid.

That the said sale was legally made and fairly conducted; that the sum bid is not disproportionate to the value of the said interests so sold, and that a sum exceeding such bid at least 10% exclusive of the expenses of a new sale cannot be obtained.

And that said Guardian in all things proceeded and conducted and managed such sale as by the Statute in such cases made and provided, and by said order of Sale is directed and required.

And no objections to the confirmation of said sale having been made or filed.

It is hereby ORDERED ADJUDGED AND DECREED that the said sale be and the same is hereby confirmed and approved and declared valid, and the proper and legal conveyance of said interest of said minors so sold is hereby directed to be executed to said purchaser by said Guardian.

Done in open Court, Feby. 26th 1876.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

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(sgd) D. S. Payne, Probate Judge.

Note: A certified copy of foregoing Order of Confirmation was recorded in the Office of the County Recorder of Santa Clara County, Cal. on Feby. 29, 1876 in Liber G of Miscellaneous Records, page 1.

Carrie Robertson and

Eugene Robertson, her husband

___ to ___

Mary Ann McCleran

D E E D

Dated December 14, 1875.

Cons. $266.66

Grant, bargain, sell, convey and confirm unto the said party of the second part and to her heirs and assigns forever, all that certain parcel of land in the City of San Jose, County of Santa Clara, described as follows, to wit:

The undivided 1/3 part of Lot 4 in Cesena Addition to the City of San Jose.

Acknd. Dec. 22, 1875.

Before G. M. Chittenden, N. P.

County of Will, Illinois

Recorded Mch. 1, 1876

Book 41 of Deeds, page 27

Edward Burrell
the duly appointed qualified and acting
Guardian of the persons and estates of
Mary Kate Tonner,
Edith Tonner and
Louela Tonner, minors
— to —
Mary Ann McClaren

D E E D

Dated February 29, 1876.

Cons. $533.33 1/3

Recites That whereas on Sept. 4, 1875 the Probate Court within and for said County of Santa Clara, made an order of sale authorizing said party of the first part to sell certain real estate of the said minors situated in the City of San Jose, County of Santa Clara, State of California, and specified and particularly described in said order of sale and whereas under and by virtue of said order of sale and pursuant to legal notices given thereof the said party of the first part on the 5th day of Feby. 1876 at the office of J.A. Clayton, in the City of San Jose (that being the time and place set forth in said notices when and where said Guardian would receive and act upon bids in writing for the purchase of said real estate) he sold at private sale, subject to the confirmation by the said Probate Court, the said real estate specified and described in said order of sale and in said notices aforesaid and at said sale said second party became thepurchaser of the interest of said minors in said real estate hereinafter particularly described for the

sum of $533.33 1/3 in United States Gold Coin , she being the highest and best bidder and that being the highest and best sum bid. And Whereas the said Probate Court upon the due and legal return of his proceedings under said order of sale made by said first party on Feby. 12, 1876 after making the said sale upon due and legal notice of at least ten days given in such manner as the Judge of said Court had directed did on Feby. 26, 1876 make an order confirming said sale and directing a conveyance to be executed to said second party; a certified copy of which order of confirmation was recorded in the office of the County Recorder of the said County within which the said lands so sold is situated on Feby. 29, 1876 in Book G of Miscellaneous Records, on page 1 and which said order of confirmation now on file and of record in said Probate Court and which said record thereof in said Recorders office are hereby referred to and made a part of this indenture * * * * *

Grant, bargain, sell and convey unto the said party of the second part and to her heirs and assigns forever, all the right, title, interest and estate of the said Mary Kate Tonner, Edith Tonner and Louella Tonner, minors in and to all that certain parcel of land in the City of San Jose, County of Santa Clara, described as follows, to wit:

Lot No. Four (4) on the South side of Colfax Street, being 300 feet West of First Street and 100 feet front by 109.20 feet deep.

Edward Burrell (seal)

Guardian of the persons and estates of Mary Kate Tonner, Edith Tonner, and Louella Tonner, minors

Acknd. Mch. 1, 1876

Before Chas. F. Wilcox, N. P.

Recorded Mch. 1, 1876.

Book 40 of Deeds, page 53

Daniel McClaren and

Mary Ann McClaren, his wife

to

Edward Burrell, Guardian of the Persons and Estates of Mary Kate Tonner, Edith Tonner and Luella Tonner, minors

M O R T G A G E

Dated February 29,1876

To secure the payment of $533.33 on or before 2 years.

Mortgages Lot 4 of Cesenas Addition in the City of San Jose,

Recorded Mch. 1, 1876.

Book 18 of Mortgages, page 548

Cancelled on the margin of the record Dec. 20, 1876 by "E. Burrel".

Attest: County Recorder.

Daniel McClaren and

Mary Ann McClaren, his wife

to

Mary E. Jones

MORTGAGE

Dated November 29,1876.

To secure the payment of $500.oo

Mortgages Lot 4 of Cesena's Addition in the City of San Jose.

Recorded Nov. 29, 1876

Book 23 of Mortgages, page 439

Assigned to Julia E. Ward by Assignment

Dated Sept. 27,1877

Executed by Mary E. Jones

Recorded Sept. 27, 1877.

Liber A of Assignments of Mortgages, page 432

Cancelled on the margin of the record March 5, 1878

by Julia E. Ward

Attest: Co. Recorder.

Daniel McClaren and

Mary Ann McClaren, his wife

to

H. H. Kooser

# M O R T G A G E

Dated December 1, 1877.

To secure the payment of $700.oo

Mortgage the Easterly 22 feet of Lot 5 in Cesenas Addition in the City of San Jose, said 22 feet fronting on Colfax Street and having a uniform depth of 109.28 feet.

Also the Westerly 58 feet fronting on Colfax Street by a uniform depth of 109.28 feet of Lot 4, in Cesenas Addition in the City of San Jose.

Recorded Dec. 1, 1877

Liber 27 of Mortgages, page 587

Cancelled on the margin of the record Feby. 9, 1878 by H. H. Kooser,

Attested by County Recorder.

Daniel McClarren and his wife

Maryan McClarren

to

Hannah S. Fowler

D E E D

Dated February 8, 1878.

Cons. $1050.oo

Grant, bargain, sell, and convey unto the said parties of the second part and to her heirs and assigns forever, all that certain parcel of land in the City of San Jose, County of Santa Clara, described as follows, to wit:

Beginning at a point on the South side of Colfax St. 400 feet Westerly from the intersection of the West line of First Street with the South line of said Colfax Street and running thence Westerly along said line of Colfax Street 22 feet; thence at right angles Southerly 109.28 feet; thence at right angles Easterly 22 feet; thence at right angles Northerly 109.28 feet to place of beginning, and being the Easterly part of Lot No.5 in what is known as Cesines Addition to the City of San Jose.

Also, the Westerly part of Lot No. Four, Commencing at the North East corner of lot No.5 and running Southerly along the East line of lot No.5, 109.28 feet; thence Easterly 18 feet; thence Northerly 109.28 feet to Colfax Street; thence Westerly along South line of Colfax Street 18 feet to place of beginning, with the privilege of lyeing water pipe and use thereof to well on lot No.4 as long as the parties of second part may desire over forward.

(sgd) Mary Ann McClaren (seal)

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Daniel McClaren (seal)

Acknd. Feby. 9, 1878

Before J. L. Knapp, N. P.

Recorded Feby. 9, 1878

Book 46 of Deeds, page 272

Daniel McClaren and

Mary Ann McClaren, his wife

to

Annie L. Graley

M O R T G A G E

Dated July 5, 1878.

To secure the payment of $200.00 on or before 2 years.

Mortgages the Easterly 82 feet front by 109.20 feet deep of Lot 4 of Cesenas Addition in the City of San Jose.

Recorded July 5, 1878

Liber 30 of Mortgages, page 532

Cancelled by a Release

Dated Sept. 20, 1878

Executed by Annie L. Sprague, formerly

Annie L. Graly

Recorded Sept. 28, 1878

Liber D of Releases of Mortgages, page 227

Note: The Marriage Certificate of Annie L. Graly and ____ Sprague is not of record in this County.

Mary L. McClaren and her husband

Daniel McClaren

—— to ——

John D. Roberts

D E ED

Dated September 20, 1878.

Cons. $1250.00

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that certain parcel of land in the City of San Jose, County of Santa Clara, described as follows, to wit:

The Easterly 82 feet front by 109.20 feet deep of Lot 4 in Cesenas Addition.

Commencing at a point 300 feet Westerly from the West line of First Street (said point of beginning being in the Southerly line of Colfax Street) and running thence along the said Southerly line of Colfax Street 82 feet Westerly; thence Southerly at right angles 109.20 feet; thence Easterly at right angles 82 feet; thence at right angles Northerly 109.20 feet to Colfax Street, the place of beginning.

Acknd. Sept. 20,1878

Before B. F. Clayton, N. P.

Recorded Sept. 20,1878

Book 50 of Deeds, page 147

G. E. McDougall and

John A. Cottle

to

"Matthias" Sontheimer

D E E D

Dated July 15, 1875.

Cons. $800.oo

Do grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all that parcel of land in the City of San Jose, County of Santa Clara, described as follows:

Beginning at a point on the Southerly line of Colfax Street distant 260 feet from the Westerly line of First St; and running thence at right angles Southerly 109.10/12 feet; thence at right angles Westerly 40 feet; thence at right angles Northerly 109 10/12 feet to the Southerly line of Colfax Street; thence at right angles Easterly and along the said Southerly line of Colfax Street 40 feet to the place of beginning, and being the West 40 feet front on Colfax St of Lot 3 of Cesenas Addition to the City of San Jose.

Acknd. by G. E. McDougall July 15,1875

Before Jno. B. Hewson, N. P.

Acknd. by John A. Cottle July 19, 1875

Before James A. Clayton, N. P.

Recorded Augt. 2, 1875

Book 36 of Deeds, page 520

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

"Matthew" Sontheimer

to

OttiliaR. Baunmann and

Robert _ Baunmann

D E E D

Dated February 17,1876.

Cons. $925.00

Does grant, bargain, sell, convey and confirm unto the second parties and to their heirs and assigns forever, all that parcel of land situate in the City of San Jose, County of Santa Clara, described as follows:

(same as in Liber 36 of Deeds, page 520, McDougall et al to Sontheimer)

Acknd. Feby. 17, 1876

Before James A. Clayton, N. P.

Recorded Feby. 18, 1876

Book 40 of Deeds, page 32

Ottilia R. Baumann and

Robert __ Baumann

to

Mathew Sontheimer

M O R T G A G E

Dated February 17, 1876.

To secure the payment of $725.oo

Mortgages that parcel of land (same as described in Liber 36 of Deeds, page 520, McDougall et al to Sontheimer)

Recorded Feby. 18,1876

Book 18 of Mortgages, page 417

Cancelled on the margin of the record Oct. 30, 1877 by M. Sontheimer

By J. J. Sontheimer, his Atty. in fact

Attest: County Recorder.

Ottilia R. Baumann and

Robert __ Baumann

— to —

"Matthew" Sontheimer

D E E D

Dated October 29, 1877.

Cons. $930.00

Do grant, bargain, sell, and convey unto the second party and to his heirs and assigns forever, all that parcel of land in the City of San Jose, County of Santa Clara, described as follows:

(same as in Liber 36 of Deeds, page 520, McDougall et al to Sontheimer)

(sgd) O. Rosalie Baumann (seal)

A. Robert Baumann (seal)

Acknd. Oct. 29, 1877

By O. Rosalie Baumann, a femme sole, and A. Robert Baumann

Before J. J. Sontheimer, County Clerk and ex-officio Clerk of the County Court, in and for the County of Santa Clara

Recorded Oct. 30, 1877

Book 47 of Deeds, page 56

"Mathew" Sontheimer

By J. J. Sontheimer, his Atty. in fact

to

John D. Roberts

D E E D

Dated October 16, 1878

Cons. $850.oo

Does grant, bargain, sell and convey unto the second party and to his heirs and assigns forever, all that parcel of land in the City of San Jose, County of Santa Clara, described as follows:

(same as in Liber 36 of deeds, page 520, McDougall et al to Sontheimer)

Acknd. Oct. 16, 1878

Before W. B. Hardy, County Recorder

By A. S. Williams, Deputy

Recorded Oct. 16, 1878

Book 46 of Deeds, page 326

"Matthew" Sontheimer

— to —

John J. Sontheimer

POWER OF ATTORNEY

Dated May 16, 1876.

To lease, let, demise, bargain, sell, remise, release convey, mortgage and hypothecate lands, tenements and hereditaments upon such terms and conditions and under such covenants as he shall think fit.

To sign, seal, execute, deliver, and acknowledge such deeds covenants, indentures, agreements, mortgages &c releases and satisfaction of mortgages, judgments and other debts and such other instruments in writing of whatever kind and nature as may be necessary and proper in the premises.

Acknd. May 16, 1876

Before James A. Clayton, N. P.

Recorded May 16, 1876

Book C of Powers of Attorney, page 111.

## TAXES

## STATE COUNTY AND CITY

E. 82 of Lot 4)
* Cesena Addition.
W. 40 of Lot 3)

Fiscal years

1868-69)
)
to * PAID
)
1897-98)

1898-99 First Installment, Paid

Second Installment, a lien

## JUDGMENT LIEN

Against John D. Roberts in favor of Carl Diehl for $592.25 debt and $42.00 costs. Docketed Dec. 23, 1898, in the Superior Court, Dept. 3 Case 11783.

Aug. 20'98 Notice of Appeal filed.

Aug. 22'98 Undertaking on Appeal to stay of execution, filed.

D. W. Burchard, Atty. for Judg. Cred.

Satisfied on full on Judgment record, 11 mon 8, 1900 Dated Nov 8, 1900 per Burchard Atty for pltf By Thomas Howells

Entered by San Jose Abstract Company Searcher

The foregoing REVISION AND CONTINUATION consisting of pages 60 to 134 Inclusive, made at SAN JOSE CALIFORNIA DECEMBER TWENTY SECOND 1898 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager.

# Continuation
## of
# The Foregoing Abstract.

AS TO

THE SAME PROPERTY

John D. Roberts, and
Rosa Roberts, his wife,
TO
James Sutherland,

# MORTGAGE

Dated Jan. 10, 1899

To secure the payment of $800.00 one year after date, with interest at the rate of 9% per annum, payable quarterly or to compound.

Mortgage premises in the City of San Jose,

Beginning at a point on the Southerly line of Colfax St distant 260 feet from the Westerly line of First St; and running thence at right angles Southerly 109 10/12 feet; thence at right angles Westerly 40 feet; thence at right angles Northerly 109 10/12 feet to the Southerly line of Colfax St; and thence at right angles Easterly and along said Southerly line of Colfax St, 40 feet to the place of beginning, being the Westerly 40 feet front on Colfax St of Lot 3 of Cesenas Addition to said City.

Also, beginning at a point on the Southerly line of Colfax St, distant 300 ft Westerly from the Westerly line of First St; and running thence Westerly along said Southerly line of Colfax St, 82 feet; thence Southerly at right angles 109.20 feet; thence Easterly at right angles 82 feet; thence Northerly at right angles 109.20 feet to the place of beginning, and being the Easterly 82 feet front by 109.20 feet deep of Lot 4 in Cesena's Addition to said City.

Acknd. Jan. 10, 1899

Before M. A. Boulware, N.P.

Recorded Jan. 12, 1899

Liber 150 of Mortgages, Page 361.

Entered by San Jose Abstract Company
Searcher
By

Satisfied on the margin of the record July 28, 1900 by James Sutherland and executed by the County Recorder

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

136

## TAXES

## STATE, COUNTY and CITY

Fiscal years,

| | |
|---|---|
| 1898-99 | PAID |
| 1899-1900 | PAID |
| 1900-1901 | NOW A LIEN |

## NO FURTHER JUDGMENT LIENS

The foregoing CONTINUATION consisting of pages 135 to 137, inclusive, made at SAN JOSE, CALIFORNIA, JULY Twentieth, 1900 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J. M. Pitman

Acting Manager.

# Continuation
# of
# The Foregoing Abstract.

AS TO

THE SAME PROPERTY.

John D.Roberts and

Rosa Roberts his wife

—— TO ——

B.T.Campen

M O R T G A G E

Dated July 26, 1900.

To secure the payment of $900 two years after date with interest at the rate of 8 1/2% per annum payable quarterly or to compound.

Mortgages premises (same as in Liber 150 of Mortgages page 361 Roberts to Sutherland)

Acknd. July 27, 1900.

Before B.A.Fruhling, N.P.

Recorded July 27, 1900.

Book 159 Mortgages, Page 169.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

T A X E S

S T A T E  C O U N T Y  &  C I T Y .

Fiscal years

1900-1901 Paid.

1901-1902 Now a Lien.

N O  J U D G M E N T  L I E N S

The foregoing CONTINUATION consisting of pages 138 to 140 inclusive, made at SAN JOSE CALIFORNIA SEPTEMBER TWENTIETH 1901 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J C Edwards

Manager.

# Continuation
## of
# The Foregoing Abstract.

AS TO

THE SAME PROPERTY

NOTHING FURTHER

T A X E S

S T A T E  C O U N T Y  &  C I T Y

Fiscal years

1901-1902  1st Installment  Paid.

2nd Installment  Due and Payable.

N O  J U D G M E N T  L I E N S

The foregoing CONTINUATION consisting of pages 141 and 142 made at SAN JOSE, CALIFORNIA, JANUARY TWENTY NINTH, 1902 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By J C Edwards

Manager.

D. C. Vestal

$2.50

# San Jose Safe Deposit Bank
## OF SAVINGS.

*San Jose, Cal.,* _____ *189*

DEPOSITED BY

| | DOLLARS. | CENTS. |
|---|---|---|
| Currency | | |
| Coin | | |
| Checks | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

26,90.
,25
27,15

18,00
9,15

5,5 U, vendue
12,5 U
18,00

Office of the County Recorder of Santa Clara County, California.

San Jose, Cal., May 20 1893

Mr John D Roberts

# TO COUNTY RECORDER, Dr.

*To Recording*

| | | | $ | cts |
|---|---|---|---|---|
| Deed | | William Kottinger et al (3 others) to J D Roberts | 2 | 50 |
| Deed | | Herman Kottinger to J D Roberts | 1. | 50 |
| " | | Alfred " " " | 1. | 50 |
| | | | 5. | 50 |

*Received Payment,*

Chas. D Coren

*County Recorder.*

*By* Carrie Conroy

*Deputy.*